

TOWN OF SHANDAKEN PLANNING BOARD
MINUTES FOR PUBLIC HEARING & REGULAR MONTHLY MEETING 1/11/12

The Public Hearing was opened by Chairman Kalb at 7:06 PM with the Pledge of Allegiance to the Flag. The Secretary called the roll, advised that a quorum was present and that the meeting could commence.

ROLL CALL:

John Horn	Present
Joanne Kalb	Present
Hope Luhman	Absent
Maureen Millar	Present
Joan Munster	Present
Faye Storms	Present
Charles Frasier	Absent

Roll Call Summary: 5 present, 2 Absent,

Others Present: Jennifer Winne, Brandon Winne, Tiffany Neal, Elisha Ryan, Brandon Meakem, Addison Cook, Shannon Meyers.

Town Justice Tom Crucet was present to swear in the Town of Shandaken Planning Board.

Member John Horn handed out charts he created regarding the proposed Farm Stand Amendments. These charts show the number of parcels in the town and the parcels on Route 28. He indicated that the majority of parcels along Route 28 are zoned R1.5. Another chart showed the parcels in the assessment class clarifying that even though they are zoned R1.5 the parcels are not necessarily 1.5 acres. Councilman Bernstein asked a question regarding accessory use. If he had a lot that was 2 acres would he be able to put a farmstand on it? As an accessory building the parcel would have to have a primary residence on it. According to the charts there are only about 100 lots that could have a farm stand on it. Member John Horn presented a chart with the actual square footage on it for different size lots and showing the allowable square footage and what would be allowed as far as a farm stand being on it. When using the accessory use law the farm stand would have to meet certain setback requirements. Member Maureen Millar indicated that for parcels on Route 28 or County Roads the setbacks were not doubled. She indicated that the primary residence would have to be bigger than the accessory use building. Per the code book "it has to be subordinate and incidental to the primary building." All of these parcels were pre-existing when the town changed the zoning to R1.5 acres and the majority are either smaller or larger than the 1.5 acres zoning. John handed out a sheet listing things that should be answered when considering the changes. (list attached) Member Millar had a question regarding "temporary structures" How will we define temporary structures. Councilman Jordan indicated that it would be the planning board who would make the decision on how long the temporary structure would be allowed, and the difference between temporary and permanent. Councilman Bernstein had a question regarding the amount of space if a property owner had a house and a garage on it. The square footage of the house and garage would have to be subtracted from the allowed amount of space to be used and the farm stand could be no larger than the amount left over. Discussion ensued regarding the term "seasonal" and items to be sold. Member Millar questioned what it is the board is hoping to accomplish regarding the farm stand issue. She feels the Town Board only wanted us to review the proposed amendments, not re-write the law. Chairperson Kalb indicated that the board asked member Horn to put these charts together. Member Munster brought up issues with the proposed amendments. There are things that do not have the intent or definition, such as display space and parking. The board agreed to add in the display area. Do we want to include the parking? These places have to have parking in their front yard as there is not to be parking on Route 28. The town recommended that the stand be solely used for display and sale of fruits, vegetables, plants and food products derived from the same. Discussion ensued about what constitutes products derived from the same. Homemade pies and other such products using the vegetables, fruits and plants being sold. The original law meant for products

grown on that property or by that owner. Member Munster indicated the amendments need to be more specific as to what can be sold. Member Horn indicates there should be some percentage of what can be sold as farm product. Councilmember Jordan indicated it would be difficult to determine the percentages of products being sold by the Zoning Enforcement Officer. Member Horn indicated that these farm stands do satisfy a need in the town. There is concern with the wording of using a single story or one floor of a multi storied structure. Member Munster indicated by allowing the use of a second story in a multi storied structure you now have to contend with the fire codes and safety issues. Member Millar indicated there is a problem because of the existing farm stand, and anyone can ask for what the current farm stand has as far as space regardless of what the new law states. The existing farm stand should be made to conform with the law. Chair Kalb indicated that someone could go to the Zoning Board of Appeals could issue a variance to the size. Councilman Bernstein indicated that would then be on the ZBA. But, then again the ZBA would have to issue the same variance to anyone applying for it, if the situation is the same. An example was done using a 1000 sq ft house. The proposed formula is somewhat self-limiting in what size the farm stand can be. The current bulk regulations do not address parking and display area. Councilman Jordan had an issue with the display area. You have seasonal displays such as pumpkins and Christmas trees and are we going to pull someone's permit do to this issue. Member Millar asked does the density limit include parking? This is something that needs to be addressed. The board is pretty comfortable with the definition of products to include products originating on the property. Member Joan Munster will create a document outlining some of the concerns and issues needing clarification to be submitted to the board.

There was a discussion by the board regarding the Vice-Chairman position. Motion was made by Faye Storms to appoint Joan Munster as Vice-Chairman, seconded by Joanne Kalb. All members present in favor.

There was a review of the Savage case and determined that it was a voluntary condition for the easement.

There being no further business a motion was made by Joanne Kalb to adjourn the meeting, seconded by Faye Storms, all members present in favor.

