

TOWN OF SHANDAKEN PLANNING BOARD
MINUTES FOR REGULAR MONTHLY MEETING 4/11/12

The Regular meeting 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:

Art Christie	Present
Charles Frasier	Absent
John Horn	Present
Joanne Kalb	Present
Maureen Millar	Present
Joan Munster	Present
Faye Storms	Present

Roll Call Summary:

6 present, 1 Absent,

Others Present: Keith Holmquist, Otto Hillenbrand, Alyce Rabinowitz, Roger Rabinowitz, Kenneth Migliorelli, Michael Formont, Bob Kalb

Case 2012-03 Kevin Lancaster

Application for a subdivision SBL# 25.15-1-38.200 Zoned R1.5. Subdivide 19.5 acres into two (2) parcels, 1 parcel of 10.92 acres and 1 parcel of 8.58 acres. Join together the 8.58 acre parcel with 2.24 acre parcel to make 1 parcel of 10.82 acres.

Applicant requested postponement until May 2012 meeting.

Case 2012-04 Otto & Mary Hillenbrand

Change of Use request for property located at 18 Lower Golf Course Rd. The former Shandaken Inn, Zoned R1.5. The property previously had a special use permit to operate as an inn. Applicants requesting change of use to residential. Mr. Hillenbrand explained they are using as a second home and have no desire to operate as an inn and would like to only use as their home. Member Art Christie pointed out that granting this makes it a more conforming use. Member Millar indicated that in the future should they change their mind, the special use permit does go with the property.

Motion made by Maureen Millar to accept change of use request as presented. Seconded by Joanne Kalb, all members present in favor.

Old Business:

Michael Formont- Yearly review of special permit use for F&S Tube Rental. Member Maureen Millar congratulated MR. Formont for following the stipulations on the special use permit and wished them a successful year.

Motion made by Member Maureen Millar to approve the special use permit for another year. Seconded by Member Faye Storms, all members present in favor.

Member John Horn asked that once a special use permit is granted is there actually a piece of paper that indicates it is a special use permit. The secretary explained that once the Planning Board makes its decision and notice of action is sent out explaining the board's decision and any conditions that are placed on the special use permit.

Other Business:

Kenneth Migliorelli re: change of use and possible special use permit for operating a farm stand at the site of the Alyce & Rogers farm stand on Rt. 28 Mt. Tremper. He will be leasing the property from Kevin Lancaster.

Mr. Migliorelli indicated he has signed a lease with Mr. Lancaster and wants to reopen the farm stand. Mr. Migliorelli indicated that Mr. Lancaster is planning to subdivide. Mr. Rabinowitz indicated there have never been any boundaries on the farm stand it was based on the fields. They are there to support Mr. Migliorelli in operating the farm stand. Member Maureen Millar indicated there was an issue as the "Farm Stand Law" as it is written indicates that a farm stand is an accessory use and since Mr. Lancaster is talking about sub-dividing the property the farm stand would not be a accessory use. She suggested Mr. Lancaster hold off on subdividing the property. It was explained that the farm stand law always indicated it as an accessory use. It was explained that once the land is subdivided he cannot operate a farm stand at that location. Mr. Migliorelli indicated he signed a three (3) year lease and would he be able to apply for a variance? The board indicated he would not. Member Art Christie asked if he planned to just sell produce or does he intend to farm the

property. Mr. Migliorelli indicated he would like to farm the property if he will be there long term. Member Millar indicated he should check his NYS Agricultural designation to determine if it includes rental property. Mr. Migliorelli indicated he will contact the owner after this meeting and discuss these issues. A discussion ensued on whether it can be considered an accessory use to a farm.

Approval of minutes: Maureen Millar made a motion to accept minutes as written for March 14, 2012. Seconded by Joanne Kalb, all members present in favor.

Keith Holmquist: Mr. Holmquist indicated that with the agreement in place the county does not see a lot of cases on the county level. He discussed development going on in Saugerties re: the proposed low income housing project.

Councilwoman Bartlett indicated that Rob has approved credit hours for training in 2012.

Member Horn asked if we are too strict in determining what constitutes an accessory use in regards to a farm stand. Member Christie read the definition of a farm out of the Town Zoning Book, and indicates if Mr. Migliorelli farms the property and it is at least ten (10) acres the stand could be considered an accessory to the farm. Member Joan Munster read the definition of an accessory use, indicating it is secondary to the primary use.

There being no further business a motion was made by member Joan Munster to adjourn the meeting, seconded by Art Christie, all members present in favor.