

**TOWN OF SHANDAKEN PLANNING BOARD**  
***MINUTES FOR REGULAR MONTHLY MEETING 5/09/12***

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The Regular meeting was opened by Chairman Kalb at 7:02 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, Kenneth Migliorelli, Richard Stokes, Bob Kalb, Kathy Nolan, Ted Denman*

*Case 2012-05 Ken Migliorelli*

*Application for a special use permit for a farm stand. SBL# 25.15-1-38.200 Zoned R1.5. 23 Hudler Rd. Mt. Tremper.*

*Mr. Migliorelli explained he is looking to locate his farm stand at the site of Alyce & Rogers farm stand. He has entered an agreement with the owner to lease the property. His plans include hours of operations, set-backs and parking spaces. He also brought a copy of the application for an agricultural designation assessment. He indicates this will be submitted but will not go into effect until March 1, 2013. He indicated the sign he plans on putting up will be smaller than the one that is currently there. Member Munster did question the parking, indicating that the 10 spots would be sufficient for the square footage of the farm stand. Mr. Migliorelli did verify his lease is for 5 years. Member Munster asked if the lighting on the building will be cast downward. Mr. Migliorelli is not even sure if there are lights there. He stated there may be some porch lighting but he does not intend to add any additional lighting. Member Christie indicated that the parking area would not meet current parking requirements, but since it is existing this would be allowed to continue as it is.*

*Member Munster made a motion to move this case to a special public hearing to be held on May 21, 2012. Seconded by Faye Storms, all present in favor.*

*Case 2012-06 Ted Denman*

*Application for a special use permit to operate/expand farm stand 3 Hudler Rd. Mt. Tremper, NY 25.15-1-71.12 Zoned R1.5 Mr. Denman is seeking to expand his existing farm stand to include larger buildings with electric and water. He will also be running a hot dog stand at this location. Mr. Denman explained that there will be a total of 3 structures, with one to house refrigeration units as well. There will be one building that is 16' x 20', one that is 20' x 20' and the original 8' x 12' structure. Total square footage will be approximately 816 square feet. He indicates the lighting will be located up in the eaves of the building with a small light located on the back of one building to illuminate the ground. He plans on putting in a small 2 rail fence to discourage people from parking on Route 28 and walking in.*

*Motion made by member John Horn to move this case to a special public hearing to be held on May 21, 2012. Seconded by Maureen Millar, all members present in favor.*

*Case 2012-07 Ted Denman, lot line adjustment. 3 Hudler Rd. Mt. Tremper, NY. 25.15-1-71.12 Zoned R1.5. Transfer approximately .23 acres from 25.15-1-71.13 to parcel 25.15-1-71.12*

*Mr. Denman explained the reason for the lot line adjustment is for use as a driveway and entrance to his parking area for his farm stand.*

*Motion made by member Maureen Millar to approve the lot line adjustment. Seconded by John Horn, all members present in favor.*

*Discussion ensued on the special use permit for farm stands previously in existence. Chair Kalb indicated that with the new farm stand law the board should be trying to bring them as close to being in compliance as possible, and trying to get away from grandfathering in previous business. Member Millar indicated there are cases for grandfathering in existing business. Ulster County Planning Board member Keith Holmquist indicated that as far as case law and state law go, the town has "home rule" It is something that the board will have to look into. Keith will look into this for the board. Member Christie indicated that it is the board's responsibility to bring pre-existing, non-conforming business as close to compliance as possible. Member Christie indicated that is why the board should follow the site-plan checklist.*

*Kathy Nolan asked about the letter from the property owner requesting pre-existing status and to possibly have the town attorney look into this.*

*Mr. Lancaster has requested a response to his letter. The board has directed the secretary to formulate a response to Mr. Lancaster to be approved by Chair Joanne Kalb.*

*A discussion ensued regarding the process of what comes to the planning board and who determines what requires site plan review & special use permits.*

*Old Business: None*

*Other Business: None.*

*Approval of minutes: Art Christie made a motion to accept minutes as written for April, 2012. Seconded by Faye Storms, all members present in favor.*

*The board went into executive session at 7:50pm*

*The board returned from executive session at 8:04pm.*

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