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P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

Town of Shandaken Planning Board
MINUTES FOR REGULAR MONTHLY MEETING
May 11, 2016

The regular monthly meeting was called to order by V. Chair Jordan at 7:05 PM with the pledge of allegiance.

Roll called by Planning Board secretary Anne Ricciardella, and attendance was recorded as follows:

Don Brewer, Chair	Present
Kath Jordan, V. Chair	Present
Art Christie	Present
John Horn	Present
Joanne Kalb	Absent
Allen Shiner	Present
Cliff Rabuffo	Present

Roll call summary: 6 Present, 1 Absent

Others present: Warren Tutt (CEO), Tina Rice, Rod Futerfas, Ron Pordy, TJ Turgeon, Michael Federoff, Karlyn Monroe, John Wasyluk, Keith Holmquist, Tim Malloy, Gael Alba,

At the start of the Public Hearing, Ms. Monroe the applicant, read aloud the letter she'd written to clarify many of the issues that arose at the previous meeting. It explained in detail her plans for the proposed project. She told the board that she's begun working on the rules but they're still a work in progress. It won't be an inexpensive place to camp, plans on charging a couple hundred a night. Comments from the neighbors continued, many had lawyers present in their stead. Mr. Futerfas explained that he was incorrect in assuming the project was a campground and therefore not allowed in an R5 zoning district. He now understands it's classified as cabin/cottage development which is a permitted use, with conditions. The conditions are stated in the Town code 116:40 section E, he wanted to emphasize a couple in particular, 116:40 E subsection 2, which states, such cabins or cottages shall be designed for one family only, with not more than two such dwelling units permitted per gross acre – i.e. a max gross density of two dwelling units per acre. (3) The net density shall not exceed four such dwelling units per acre, and (4) All such dwelling units shall be serviced by a central water supply and common sewage

disposal system satisfactory to the Ulster County Health Dept. Mr. Futerfas claims the area being developed is far in excess to the permitted four. The definition of camp & cottage/cabin development in the code book are very similar, pointed out zoning code 116:76 which states that whenever the requirements of this chapter are inconsistent with the requirements of any other lawfully adopted rules, regulations, ordinances, or local laws, the more restrictive provisions or those imposing the higher standards shall govern. Since there isn't a big difference between the two if it's considered a camp then this project is not permitted in an R5 zone. The nature of the activities could have an adverse impact on the neighbors, he'd like to know what kinds of activities there will be, where they'll be taking place on the property. If the activities commence around the neighbors then there should be reasonable hours set to not disturb the community. A conditional permit is still a good idea. He tells the board many people present things to them and makes promises; a conditional permit would ensure the promises are met continuously. If the permit isn't granted with conditions, the board will not be allowed to take action if something were to go wrong.

Mr. Porby, attorney for the Vinci family, made reference to town code 116:40 E also. His focus was on the definition of dwelling unit, which is – a building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrances or other hallways or porches) or cooking or sanitary facilities in common with any other “dwelling unit.” A boardinghouse, dormitory, motel, inn, nursing home, fraternity, sorority, or other similar building shall not be deemed to constitute a “dwelling unit.” He states by definition the common cooking area and sanitary facilities that will be located on the property aren't allowed. They have to each be hooked up independently. If there's any change then a variance would be needed. The SEAF form that was filled out and signed by the CEO is invalid because this is an unlisted action, not Type I or II and is subject to SEQR review. He then informs the board that he's not trying to stop the project, they just want to make sure that all the zoning codes are being followed and he thinks the application is inadequate and there's just not enough information for the board to make a decision.

Many other neighbors voiced the same concerns that were addressed at the previous meeting, mostly noise, trespassing, and the project having no benefit to the community/neighbors. Some view the letter the applicant wrote as condescending, they're not afraid of change; just don't want a bunch of strangers roaming around their properties. Property value came into question but was clarified that it's not part of the board's process for granting special use permits. The property owner can do whatever is permitted by the zoning laws. The board is there to ensure the requirements for what's being presented are met. There's other properties for sale in that area and some are worried other people will buy and try to do the same thing, what's to stop them? Mr. Federoff, attorney for Joe Curcio, spoke about supervision, thinks it won't be adequate enough to account for the noise levels after certain hours, or knowing where all the guests are at all time. Gave an example of someone in the late morning hours finding lighter fluid and pouring it on their fire pit to start a fire and it ends up starting a larger fire. How will they know? The amount of water isn't sufficient enough to supply that much water in case there is a fire. The pull offs on the driveway are accidents waiting to happen. Many people coming up just for the weekend are usually not as careful with garbage and compost, attraction of animals is inevitable. States this project violates the Town law and common and good sense as to what the community wants in a rural area. With the board wanting to discuss their decision further amongst themselves, a motion was made to close the Public Hearing by Board Member Rabuffo, seconded by Board Member Shiner. All in favor. Chair Brewer then

addresses the neighbors stating they now have 60 days to address the concerns of the Ulster County Planning Board and they'll make the determination whether it will be sent to the ZBA for review, the Public Hearing is closed.

The Board continued to discuss Ms. Monroe's glamping project. Board Member Christie stated she's selling the environment of the Catskill's. Many people would come up here and pay that price to experience the outdoors. Conditional permit would allow for them to come back in a year and review how the process worked and how many people, if any were affected. Board Member Shiner asked how we were going to ensure the applicant that in a year the permit wouldn't be revoked due to unreasonable or untrue comments. The building department will handle any and all complaints and be keeping an eye on it as it runs. It'd also be in the applicant's best interest to allow this conditional permit to have the business accepted. Chair Brewer mentioned he had been to another meeting for a different town. These residents repeatedly come before the Board to review their application and make sure the rules are still being followed. Still waiting for Michael North of North Engineers to generate a letter stating the capacity of the bridge before the fire department drives a truck across it.

Minutes of Previous Meeting:

Minutes were reviewed by all board members. Motion to accept minutes as written made by Chair Brewer, seconded by Board Member Jordan. All in favor.

Communications:

None

Old Business:

None

New Business:

Brian Powers- Brought in some maps for review for a lot line adjustment at a previous workshop meeting. Working with a surveyor now to update maps and resubmit. Chair Brewer also has a lot line adjustment he'll be submitting for the next meeting.

County Liaison Report:

Keith Holmquist present. Sam Spata has been officially appointed to the Ulster County Planning Board as an alternate with his term to end in December 2017. Only case before the Board at this time is something sent in from the ZBA. Trains will stop their operation as of May 31st. The Legislature postponed until next month, but summer's upon us and the season will be half way over by the time everything's ready to be run.

Adjournment:

There being no further business before the Board, a motion was made for adjournment by Board Member Christie, seconded by Board Member Rabuffo. All in favor. The Shandaken Planning Board meeting adjourned at approximately 8:30 PM.