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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 10, 2017

The regular monthly meeting was called to order by Chair Brewer at 7:00 pm with the pledge of allegiance.

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

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

Roll call summary: 5 Present, 2 Absent

Others present: Warren Tutt, Harry Jameson, Anique Taylor, Kathy Nolan, Tina Rice, Dakin Moorehouse, Ryan Lennox, Brad Leonard, Ted Norde, Emily Jenkins, Hank Williams, Bert Winne, Bob Kalb, Rob Stanley, Barbara Hagstrom, Wallace Poncic

Communications:

None

Old Business:

APCR, LLC:

Mr. Widensky left off with some specific requests from the Planning Board members to further clarify his intentions with the office building he'd like to build on Route 28 across from the Emerson. Chair Brewer recused himself as he's the representative for this application. He presented an updated survey map which includes where the DOT has approved the curb cut in Route 28 for access to the building. They'll enter from Route 28, and exit back out on Mt. Pleasant Rd., one way for each

entrance/exit. There will be a sign at both ends indicating the “one way.” Map has been designated with arrows.

The parking located on the site plan map is for the offices ONLY, the apartment building has separate parking on Mt. Pleasant Rd. Building inspector Tutt noted that getting from the cars to the actual building might be an issue, rather than make them walk all the way up the driveway, place a sidewalk between building and parking lot. There'll also be a handicap ramp put in. The driveway and parking lot will consist of gravel. Board Member Christie requested a “Pedestrians crossing” sign be placed at each end to remind drivers entering and exiting to be cautious. There'll be 15 offices; there are 23 parking spots, with three of them located off to the side. According to the Code he'll need 24 spaces, including handicap ones, which is a minor edit. He will have DOT approval in writing for the next meeting. He currently has the space proposed to make the building up to code, but Planning Board approval by no means makes what he drew allowed. They're only approving the site plan; the building plans will be reviewed and approved by the Building Dept. when submitted. If the PB site plan approval for that building, with that number of offices in it and design presented as far as elevations and what it looks like, then that's what he'll have to put there. Actual detailed plans approved up to Code by the Building Inspector, I.e., fire, life safety, public sanitation.

Offices will be open to general offices, I.e., lawyer, CPA, land surveyor, or professional engineer, there will be NO medical offices. Some offices will be larger than others because some professions require more space. PB was recommended to re-open the public hearing that was prematurely closed on March 8th, in order for Mr. Widensky to finish gathering all information requested from the Board. Motion to re-open public hearing was made by Board Member Horn, seconded by Board Member Kalb.

CMRR:

Last Planning Board meeting we left off requesting guidance from their attorney on how to proceed with the CMRR. In receipt of a letter from the attorney stating that Planning Board cannot take action at this time due to the open violation date Feb. 24th, 2017. The Code section is page 116-77 ; which states that existing violations prohibit the Planning Board from reviewing the application. Mr. Olson also states the only permitted use under the zoning code by Special Permit is a “public utility or transportation use, excluding garage and maintenance facility.” The first initial application submitted by the CMRR was to the ZBA, for a variance for a garage, last year. Before determination was made, the CMRR withdrew their application. The current application in front of the Planning Board is for storage only, not the maintenance or construction of a garage. CMRR has answered to the violation. They've had a survey done and was reviewed by their engineer and Building Inspector Tutt who've determined the storage of units on property does not present negative impact on the floodplain of this location so the violation has been lifted. The Planning Board would like their attorney present at their next meeting to discuss with him in person specifically what's taking place on site and their next course of action for this application. (Letter included at end of minutes)

Mr. Jameson was present and spoke on the application in hopes of answering some of the questions brought up. He stated that he's already submitted a letter, date February 3rd 2017 from the NYS DOT confirming that it is in fact a “public transportation use.” He also presented at last month's meeting a letter from the CMRR's attorney, Walter Zullig, who also confirmed the CMRR as a public transportation use, and the CMRR is under the jurisdiction of the NYS DOT. The Public Service Commission (PSC) was divested of that jurisdiction back in 1971. CMRR has provided all the necessary

legal documents requested. Mr. Jameson reminded the Board that the application was submitted on November 28, 2016 and after six (6) months would like a decision to be made. There was also a Grant applied for in 2015 by the CMRR for the railroad infrastructure to be redone, 1.3 million dollars but the County wouldn't sign off on it. All tracks throughout Shandaken are paid by the taxpayers. Planning Board states that the application initially requested six-eight (6-8) to move the trains, and they could've been moved already. They'd like to further discuss a decision with Mr. Olson and clarify the application with him. They're postponing their decision until next month.

New Business

Robert Konefal – Lot Line Adjustment – Pine Hill Arms, Main Street, Pine Hill

Mr. Konefal would like to adjust the two parcels of the Pine Hill Arms so that the building to the right of it will now also include the house located behind it. He'll be adding 0.182 acres to the 0.441 acres the house is now on, and subtracting 0.182 acres from the Pine Hill Arms to make it 1.661 acres. The two building lot will eventually be sold. This change will make it more conforming with the Shandaken zoning codes. Planning Board members don't see any issues with this adjustment and a motion was made to accept the application as submitted by Board Member Christie, seconded by Board Member Kalb.

Roll Call Vote:

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

Roll Call Summary: 5 Yes, 2 Absent

Tom Tintle – Lot Line Adjustment – 7339 Route 28, Shandaken

Chair Brewer recused for being the surveyor and representative for this application. Mr. Tintle owns the small lot with the cabins on it located at 7339 Route 28. It's about 8/10ths of an acre. He'd like to sell the bigger lot next to it, wants to move the property line further back from the garage. Current lot size is 0.837 acres, moving it back would add 0.300 acres to parcel making it 1.136 acres. The 0.300 acres will come off of the larger parcel also owned by Mr. Tintle directly behind it, which is currently 25.870 acres, making it 25.570 acres after the adjustment. Board member Kalb requested that the lot line be moved farther back in order to make the lot a 1.5 acre to conform with the zoning codes. Adjustment will be made for next month's meeting.

Other Business:

Neighbors in the Woodland Valley area showed up to voice their concern about a 40 foot Buddha statue being placed on one of the properties. Excavators are currently creating a roadway behind the house that's creating a lot of noise for the neighbors. The roadway is being made in order to bring the statue up

to the top of the hill. There is no code in the zoning book for statues, Building Inspector Tutt will go out to site and check it out.

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 Town of Shandaken Planning Board regular meeting adjourned at approximately 8:15PM.



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

Date: Regular Meeting, May 10, 2017
 Time: 7 PM
 Place: Main Hall, Town Hall Building
Public Hearings: None

AGENDA

1. Meeting Called to Order
2. Pledge of Allegiance
3. Roll Call:

Don Brewer, Chair	___ present	___ absent
Kathy Jordan, Vice	___ present	___ absent
Art Christie	___ present	___ absent
John Horn	___ present	___ absent
Joanne Kalb	___ present	___ absent
Allen Shiner	___ present	___ absent
Cliff Rabuffo	___ present	___ absent

Quorum of _____ members present

4. Previous meeting minutes

5. Communications:

6. Old Business:

- CMRR – Special Use Permit

7. New Business:

- APCR LLC – Site Plan review
- Konefal – Lot line adjustment
- Tintle – Lot line adjustment
- Hudler – Lot line adjustment?

8. Other Business:

-To Be Determined

9. County Liaison Report

10. Meeting Adjournment