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"The Heart of the Park... Where the Eagle Soars"

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**Town of Shandaken Planning Board
 Minutes for Public Hearing
 July 13, 2022**

The regular monthly meeting was called to order with the pledge of allegiance at 7:05pm.

Roll called by acting Secretary to the Planning Board Olivia Amantia, and attendance was recorded as follows:

Cliff Rabuffo, Chair	Present
Art Christie	Present
Joanne Kalb	Present
John Horn	Present
Allen Shiner	Absent
Sam Spata	Present
Vivian Welton	Absent

Roll Call Summary: 5 Present, 2 Absent

Others Present: Zoning Enforcement Officer Grace Grant, Town Clerk Joyce Grant, Floodplain Manager Rob Stanley, Building Inspector Donna LaMoine Deputy Supervisor Kevin Vanblarcum

Regular Monthly Meeting was preceded by PUBLIC HEARING 6:45 as follows:

Legal Notice – NOTICE IS HEREBY GIVEN that the Town of Shandaken Planning Board will hold a Public Hearing, pursuant to section 274 and/or 276 of State Law and as prescribed by the District Schedule of Area and Bulk Regulations of the Shandaken Town Code for the purpose of hearing the following applicant:
 Regarding a Site Plan Review/Change of Use application submitted by Adam Turba on behalf of **Phoenicia Festival of the Voice Foundation**, for a parcel located at 22-24 Route 214 Phoenicia, NY 12464, indicated as SBL# 13.16-3-32 located in a Hamlet Commercial zone. Phoenicia Festival of the Voice has submitted this application in order to change the use to a Cultural Facility with accessory offices and community space. The Public Hearing is scheduled for **July 13, 2022 at 6:45pm** at the Shandaken Town Hall 7209 Route 28 Shandaken, NY 12480. Anyone who wishes to make comment in regards to this application may do so during the Public Hearing. If you are unable to attend you may send any comments you would like read during the meeting to shandakenbldg@gmail.com, or PO Box 134 Shandaken, NY 12480.

Several letters received - referring to special use permit (for & against) were read by Town Clerk, Joyce Grant. (Board members received copies through email before meeting)

Festival of Voice (FOV) Representative/Architect Adam Turba – reviewed their plans with the Board. Requesting small area 49 people capacity plus an office space added. Rehearsals & ‘Small Concerts 10 times a year.

Those in attendance who spoke:

Rebecca Frank 25 Church St. Phoenicia – Warned to get any agreements with FOV, in writing due to her previous experience with FOV.

Kathryn Haber 12 Jay Street Phoenicia , (neighbor) supports FOV but has concerns of noise, traffic, parking.

Don Bucher – 10 Jay Street (neighbor) Again, supports their efforts, concerns of trespassing, parking, blocking emergency vehicles. Noise.

Lorenza Vesely, of 11 Jay Street (neighbor) she enjoys the music, and the concerts, but she concerns about the use, and the lateness of concerts, and the number of concerts.

Ken Booth, on behalf of his father-in-law at 22 Main Street. In favor of FOV

Tom Fraser Main Street. Phoenicia. All for the FOV, understands neighbor’s concerns.

David Condon of 18 Muddy Brook Rd, in Woodland Valley. As a volunteer, he’s in support of the FOV , but understands the concerns of parking, noise, and quality of life, he states they are challenges he feels can be met. He states there is a positive impact of having these cultural events in Phoenicia.

Other letters of support for FOV: Phoenicia Diner, Emerson Resort,

All pertinent information having been discussed, Chairman Rabuffo closed the public hearing at 7:15 on Spata/Kalb motion.

Cliff Rabuffo, Chair	Yes
Art Chrisite	Yes
Joanne Kalb	Yes
John Horn	Yes
Allen Shiner	Absent
Sam Spata	Yes
Vivian Welton	Abstained (late arrival)

**Town of Shandaken
County of Ulster
State of New York**

**The Town of Shandaken Planning Board conducted a Regular Monthly Meeting on
Wednesday July 13, 2022 7pm Shandaken Town Hall. 7209 Rt. 28 Shandaken, NY**

**Call to Order - 7:18
Pledge of Allegiance
Roll Call**

Members Present	Cliff Rabuffo Chair Art Christie - Board Member Joanne Kalb – Board Member Sam Spata – Board Member John Horn – Board Member Vivian Welton – Board Member
Members Absent	Allen Shiner – Board Member

Recording Secretary Olivia Amantia

**On a Kalb/Rabuffo motion the Board unanimously approved the minutes of the
previous meeting as submitted by the Secretary.**

**Town of Shandaken Planning Board
Minutes for Regular Monthly Meeting
July 13,2022**

Old Business:

Chair Rabuffo states the next order of business, is the Festival of the Voice. Board Member Christie states he would like to take a moment, to address some of the questions, on both sides of the fence. Three of the concerns were about how many performances will be taking place. Mr. Christie ask's if Maria Todaro of the FOV can answer that. Maria understands concerns of neighbors, She

She states first that she understands the concerns of the neighbors, she states she wishes the concerts could be unlimited, but the reality is with 49 people in the church space, it's hard to organize concerts. It will be a limited number of concerts; she is hoping for three small intimate concerts a month. She states she saw the reaction and concern from the neighbors, and thought 10 concerts had been proposed. She states they had an agreement for 10

concerts a year. In her space now she can have educational programs, lectures, exhibits, etc. Would limit to 10pm. She states she intends to prove over time that they are good neighbors and intend to abide by the rules, and show that they're not threatening

She also would like to point out, that they are not a new attraction, and they have been using the church for 13 years, she states she created her choir there, caroling, and concerts took place as well. She also states she was unaware of the Phoenicia Farmers market not being able to conduct business in the church, and feels it benefited the community.

Board Member Christie states he understands the public's concern, because the farmers market took place illegally, he states she was told no, and went ahead and did it anyway, so he understands the public's concern of what is going to actually take place.

Board Member Kalb ask's if they want to hold these concerts, she would like to know the capacity being only 49 people, including the performance, what type of shows will take place. Maria states the performance's will be quite limited, until they are able to restore the church, lectures and readings will take place, but it will not be a full on "performance", when there are only 30 people. She states because they've been using the church, for many years they have developed habits of use, which needed to be adjusted to how things are supposed to be done, she states they're happy to learn.

Board Member Christie states he'd like to address more of the public's concerns. Mr. Christie ask's what projects have they supported in financial wellbeing of the community. Mr. Christie ask's if they have given donations to any of the organizations, and does the church get compensated for the use of their parking lot for the Festival of the Voice.

Maria states the FOV is very much a volunteer-based operation, and states even if money was not directly given back, they certainly put sweat, and their time. and this would also be the second year that she is receiving a salary. (past 11 years she hasn't been paid until the past two). She states she makes a personal contribution to the FOV, but as far as the community, she states ten years ago, she relaunched the business association, but has not given any money, but her time.

Maria also commented, being a volunteer-based organization, they don't have the money, or funds, stating one of the requests from the neighbors was a fence, which she states due to lack of funds will take some time, or maybe they can either share the expenses, or raise the money. She continued, a fundraiser for the Catholic Church will take place, in exchange for the parking.

Board Member Spata states the FOV has been very responsive, over time, before the board, we've asked for things to be changed, and they have obliged. He states it's always been understood by the board members, that the culture here is about performing arts, which has been transparent from the start, and what they plan on doing is not news to the board. He

states there needs to be an agreement as far as performance days, and states he would hate to see a day with five performances count for half of their year.

The board states it needs to be clear how many shows will take place. Board Member Kalb states the community character is being affected by this, which is the number one concern.

Adam Turba states the church, which used to have services on Sunday, and possibly some other things during the week, they also shared this space with the Festival of the Voice, for 13 years, doing the exact same things that they're asking to do now. In that sense it does seem like, perhaps it won't be called a cultural center, and now it is one. He states the activity happening there will be the exact same things that have already taken place, minus the Sunday mornings.

Board Member Christie states its detrimental to not have the right nomenclature, you cannot say a church is a cultural facility, Mr. Turba states it's a community center, to have performances. Maria states at first the church was being called a performance center, since that's all they know, the board suggested it being called a cultural center, and they have now named themselves as such, and it fits very well to their identity and who they are. She states they embraced the word community in their title, and maybe they would have tolerance and acceptance to have community endeavors, such as the farmers market, to use the basement. She states the guidance on the name gave them purpose.

Board member Christie stated that the final agreement with should be in writing, would be ten performances, ending at ten pm. Liz Potter of Jay Street, approaches the board, and states a discussion was had with herself and Maria, on what time would be reasonable to end the concerts, and stated it would be best if the shows ended at nine pm, rather than ten pm, to be considerate of those who go to sleep early.

Chair Rabuffo, reads from the code book section "116-23 performance standards for non-residential and non-agricultural uses: is noise, no person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limit set forth for the receiving land use category stated below when measured at or within the property boundary of the receiving land use. For hamlet commercial, which is where the site is located in, it's 9 pm, through 7 am, the noise limit is sixty decibels, which is roughly a conversation being had." If it were any louder than that, and later than nine pm, that would be grounds for a complaint, which could lead to a violation by the town.

Liz Potter, approaches the board, stating as a resident who's lived here for twenty years, she states the church which the Festival of the Voice, is using, when it was up and running, they would be in session, one hour a week, she states the FOV over ten years had used it maybe a dozen times, she states what would happen there was small, and pleasant in terms of concerts, or rehearsals, and was so infrequent, that in no way altered every day life for the

residents. She states what they are now asking for is a big change in the character, and the use of the neighborhood.

Chair Rabuffo states there needs to be a compromise, between the Festival of the Voice, and the local residents, he states the site plan, can be amended down the road, if the ten shows, are received well, they may be able to go back, and add additional shows.

Board Member Christie - either party whether it's the local residents, or the FOV, may come back to the board, to make changes, whether it's positive, or negative feedback. It's very important, that the special permit is read very carefully, and reviewed.

ZEO (Zoning Enforcement Officer) Grant, ask's Maria, if the Phoenicia Farmers market will happen again in the basement of the church, she stated as of now, she doesn't know, but they will ask permission if they want to come back and hold the market again, although that it is not their priority.

Chair Rabuffo states they are going to go over everything, and want to make sure everything is very carefully documented, before any decisions.

The next order of business, is Crossroads Ventures for special permit renewal. Tom Shepherdson attorney representing them, is here to request from the board to consider granting an extension of their original approvals of the site plan, and special use permit approvals. Also, many years ago they were granted a one-year extension, and they are asking for another extension. He states in the last year he can report that they've obtained a SPEDES permit from the DEC, (SPDES permits to point- and non-point sources of pollution to ensure that a waterbody's best use is maintained and to protect watersheds from wastewater and stormwater pollution).which is valid, until 2026, as well as a stream disturbance permit that's valid until 2025.

He states they still haven't been able to make the transaction happen with the state, in regard to the high mount ski center, which is the key lynchpin that's holding everything up, but they are actively trying to meet with the appropriate people to consummate the transaction, which is easier said than done, so they are asking for additional time.

Board Member Christie ask's if there has been any significant change, and the answer is no. Board Member Kalb makes a motion to renew the permit for the Belleayre resort project for another year. Roll call vote as follows:

Cliff Rabuffo, Chair	Yes
Art Chrisite	Yes
Joanne Kalb	Yes
John Horn	Yes
Allen Shiner	Absent

Sam Spata	Yes
Vivian Welton	Yes

New Business:

Next order of business, is Wendy Grossman for a special use permit. She states she would like to repurpose her work shed/cabin, into a small tiny house/Airbnb. The space is 14 by 14, a little less than 200 square feet, she states, just enough for a person or a couple, small but ideal for someone who wanted a small cozy space, as opposed to a big space.

Board Member Kalb states the space needs to be livable, Ms. Grossman says it is, Board Member Kalb ask's if there is septic and water. She states there is a septic, and water, but the grey water from her shower would be connected to her home, and she has a compostable toilet, as well as a Binnewater contraption, with hot and cold spickets, so there is portable water. Possibly a microwave or a fridge. She states having some additional income would be beneficial for her, she states there's also electricity and capable as well, she states she's used the space for twenty years, so it would be a change of use, rather than a new endeavor.

Also, she states it will be a short-term rental. The board has a discussion on compostable toilets, and whether or not they are allowed, ZEO Grant states they are okay as long as there is no greywater discharge. Ms. Grossman states, there will be an on-demand heater, and there will be a hose from her house, to the cabin, and it will go back to the septic system.

Chair Rabuffo states someone needs to sign off saying that water system is acceptable. She states she's spoken to several engineers, and none of them are available for four months, which would take this project into the winter, and she was not planning on having the cabin winterized, and having it be a three-season cabin. Flood Plain Administrator Rob Stanley states she should contact the CWC, and they'll be able to provide her with answers, as far as what the strictest regulations would be. She states there's 100 feet between her house, and the cabin, and the easiest way to get the hose to the shower head, is to put the hose on her outdoor spicket and attach it to the on-demand water.

Mr. Stanley states as far as the water supply, the hose is not going to be rated well enough for not allowing bacteria to develop in that hose line. Chair Rabuffo states, if she was running a hotel, this would be considered a public water supply, your distance from your septic to your well, almost doubles the requirement it would have to be UV treated, which is a very expensive treatment system, since this isn't a commercial enterprise, we can't just sign off on that, without any documentation showing that this is okay.

Last order of business is Peter and Liz Appelson, who are here for a special use permit. They would like to build two structures on their lot.

Chair Rabuffo ask's what the lot size is, it's 14.98. ZEO Grant states the couple would like to put up a small dwelling first, and then the main house after. Board Member Christie states there is confusion, as to what their plan is, the plan being they would like to put two houses on their one lot.

Mrs. Appelson would like to put a small structure with a small kitchen, and then they would like to build the main house. Chair Rabuffo goes over the site plan checklist. Board Member Spata, goes over the Environmental Assessment Form.

Chair Rabuffo made a motion to set a public hearing for Peter and Liz Appelson, on August tenth, at 6:45, Board Member Kalb seconded the motion, all in favor.

Adjournment:

*All Evening's business having been discussed, The board adjourned at 8:30 on Rabuffo/Spata motion. All in favor.