



Supervisor: (845) 688-7165  
 Police: (845) 688-9902  
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*"The Heart of the Park...Where the Eagle Soars"*

[www.shandaken.us](http://www.shandaken.us)

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

**Town of Shandaken Planning Board  
 Public Hearing  
 November 14, 2022**

**David and Dara Heinlein – Special Use Permit for a Guest Cottage:**

Public Hearing was opened at 6:46 with the pledge of allegiance.

Roll called by Grace Grant (acting secretary;) attendance recorded as follows:

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

**Roll Call Summary:** 6 Present, 1 Absent

Present for the Public Hearing were David and Dara Heinlein, Bob Kalb, and Peter DiSclafani. Legal Notice was read by acting secretary Grace Grant. Legal Notice has been made a part of these minutes.

Dara Heinlein explained that they purchased the home in 1992, when they purchased there was an existing garage/art studio. In 2012 they came in to speak with the Building Inspector about converting a part of the garage/art studio into habitable space. The then Building Inspector informed them that as long as the work was going to be under \$10,000 they would not need a Building Permit. Following that meeting, they converted a portion of the garage into a Guest Cottage. In 2016 they listed it on Airbnb. After they submitted an application for a Short-Term Rental License, they were informed by the ZEO that they needed a Certificate of Occupancy before the License could be approved, and that they would need a Special Use Permit from the Planning Board for a Guest Cottage before a Certificate of Occupancy could be issued.

The hearing was opened to the public for comments, none were received. The Board asked if any comments had been sent in via email or mail, none were.

With no comments from the public or the Board a motion to close the Public Hearing was made by Board Member Spata, seconded by Board Member Kalb; all in favor. Public Hearing was closed at 8:53pm.



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### Legal Notice

**NOTICE IS HEREBY GIVEN** that the Town of Shandaken Planning Board will hold a PUBLIC HEARING, pursuant to section 274-B of the 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 an application for a Special Use Permit submitted by David and Dara Heinlein, for a parcel located at 683 Route 214 Chichester NY, further identified as SBL# 14.5-2-7 located in a Residential 1.5-acre Zoning District. The applicant would like a Special Use Permit for a Guest Cottage.

The Public Hearing is scheduled for November 14, 2022 at 6:45pm at the Shandaken Town Hall, 7209 Route 28 Shandaken NY.

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](mailto:shandakenbldg@gmail.com), or PO Box 134 Shandaken, NY 12480. All such comments must be received no later than 3:00pm on November 14, 2022.

Dated October 18, 2022

**Town of Shandaken  
Planning Board**



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**Town of Shandaken Planning Board  
 Minutes for Regular Monthly Meeting  
 November 14, 2022**

The regular monthly meeting was called to order at 7:00pm.

Roll called by Grace Grant; attendance recorded as follows:

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

**Roll Call Summary:** 6 Present, 1 Absent

**Others Present:** ZEO Grace Grant (acting secretary for this meeting,) Dave and Dara Heinlein, Brad Will for Vale Restaurant, Dave Channon, Karen Charman, Bob Kalb, Supervisor Peter DiSclafani, and CFM Rob Stanley

**Minutes:**

A motion was made by Board Member Welton to approve the minutes from the previous meeting as written, seconded by Board Member Spata; all in favor.

**Old Business:**

David and Dara Heinlein

With no comments from the public or questions from the Board for the applicant, a motion to approve the Special Use Permit to convert and existing garage/workshop to a Guest Cottage was made by Board Member Spata, seconded by Board Member Kalb with a roll call vote as follows:

<b>Cliff Rabuffo, Chair</b>	<b>Yes</b>
<b>Art Christie</b>	<b>Absent</b>
<b>Joanne Kalb</b>	<b>Yes</b>
<b>John Horn</b>	<b>Yes</b>
<b>Allen Shiner</b>	<b>Yes</b>
<b>Sam Spata</b>	<b>Yes</b>
<b>Vivian Welton</b>	<b>Yes</b>

6 yes, 1 Absent

Anna Heironimus, LLC – Vale Restaurant – Extension of Special Use Permit

Brad Will was present to request an extension of the Special Use Permit that was issued to operate a Restaurant. Covid, as well as some trouble finding a Contractor are the reasons they need another extension, but they shouldn't need another after this.

A motion to extend the Special Use Permit through November of 2023 was made by Board Member Spata, seconded by Board Member Shiner with a roll call vote as follows:

<b>Cliff Rabuffo, Chair</b>	<b>Yes</b>
<b>Art Christie</b>	<b>Absent</b>
<b>Joanne Kalb</b>	<b>Yes</b>
<b>John Horn</b>	<b>Yes</b>
<b>Allen Shiner</b>	<b>Yes</b>
<b>Sam Spata</b>	<b>Yes</b>
<b>Vivian Welton</b>	<b>Yes</b>

6 yes, 1 Absent

APFU LLC – Subdivision

Neither the applicant nor a representative was present.

**New Business**

Vivian Welton – Special Use Permit for a Guest Cottage

Board Member Welton is recused. The applicant had previously submitted an application for a Special Use Permit for an Accessory Dwelling. Following her initial presentation to the Board for the Accessory Dwelling she was informed that an existing lot line on her property would have to be removed, and she was referred to the ZBA to obtain a Variance in order to have two dwellings on a pre-existing non-conforming lot. Since that meeting the lot line has been removed. However, the application for Area Variance to have two habitable dwellings was denied. The ZBA did approve the Variance concerning the distance between the two structures.

Being that the application for a Special Use Permit for an Accessory Dwelling cannot be approved without that Variance, the applicant has submitted a new application for a Special Use Permit for a Guest Cottage. A Guest Cottage does not require the Variance to have two habitable dwellings on a substandard lot, as it is considered an Accessory Dwelling.

**The applicant states that one of the abutting property owners, Bill Colagrande, does not have any problems with the structure.**

**Board Member Spata asks that the map submitted with the application, that still shows the lot-line on the property, be updated and that line be removed prior to the next meeting.**

**Board Member Spata reads the SEAF, which has been made a part of these minutes. Board Member Horn has a question regarding question 11 on the SEAF, the applicant states that the structure is tied into the same septic as the main house. Board Member Kalb has a question regarding question 15 of the SEAF, asking if there are Rattle Snakes on the property. Applicant states that she's only seen one since buying the property. Board Member Kalb thinks she should change the answer to yes, applicant agrees, she will update the SEAF and submit that at the next meeting.**

**With no further questions from the Board a motion to move the application to Public Hearing on December 14, 2022 at 6:45pm was made by Board Member Spata, seconded by Board Member Kalb; all in favor.**

#### **Other Business:**

**Supervisor DiSclafani has informed the Board of the Towns intent to form a committee to review the Comprehensive Plan. The Plan is meant to be reviewed every five years, but has not been reviewed since 2005. He informs the Board that they would like a member of the Planning Board to be on the committee. Board Member Horn asks if the Town will be hiring anyone to review the Plan. Supervisor DiSclafani says that the committees initial purpose is to review the best way forward in reviewing the plan.**

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**Pam Veitch has expressed an interest in the opening for a Planning Board Member starting in January 2023. Board Member Horns term ends in December of this year. Board asks that Pam Veitch be contacted and asked to come to the meeting on December 14, 2022 for an interview.**

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**Molly Holm has sent an email to the Board asking if there's any way that they can help with the upcoming renewal that Rail Explorers has with Ulster County. Board Member Spata asks if there is any way that the noise ordinance can be enforced in regards to the noise that residents here during later hours of operations. ZEO Grant states that the Town does not have the equipment necessary to enforce any noise violations. Board Member Spata makes a motion that the Planning Board asks the Town Board to purchase the necessary decibel reader; all in favor.**

#### **Adjournment:**

**There being no further business before the Board, a motion to adjourn the meeting was made by Board Member Spata, seconded by Board Member Kalb; all in favor. Meeting was adjourned at 7:40.**

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Guest cottage			
Name of Action or Project: 313 Plank Road, Phoenicia			
Project Location (describe, and attach a location map): in back of main house			
Brief Description of Proposed Action: convert existing artist studio to a guest cottage by adding a bathroom. No kitchen.			
Name of Applicant or Sponsor: Vivian Welton		Telephone: 845-688-7842	
		E-Mail: viv4evermore@yahoo.com	
Address: 313 Plank Rd.			
City/PO: Phoenicia		State: NY	Zip Code: 12464
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		.46 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.46 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ <u>Esopus creek, on other side of Plank Rd. from site,</u> <u>not near to house or guest cottage.</u>				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline  Forest  Agricultural/grasslands  Early mid-successional

Wetland  Urban  Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plain?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor/name: Vivian Welton Date: 10/31/2022

Signature: Vivian Welton Title: \_\_\_\_\_

**PRINT FORM**