



Supervisor: (845) 688-7165

Police: (845) 688-9902

Town Clerk: (845) 688-5004

Justice Court: (845) 688-5005

Assessor: (845) 688-5003

Assessor Fax: (845) 688-5708

ZBA/ZEO/Planning: (845) 688-5008

Highway: (845) 688-9901

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

www.shandaken.us

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

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

PUBLIC HEARING

Phoenicia Wellness:

Public Hearing was called to order by Chair Rabuffo at 6:46 with the Pledge of Allegiance.

Roll Called by Grace Grant, attendance recorded as follows:

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

Roll Call Summary: 6 Present, 1 Absent

Others Present: Edward Ullmann for Phoenicia Wellness, Grace Grant ZEO, Donna LeMoine CEO and Bob Kalb

Chair Rabuffo read the letter from County Planning Board (attached to these minutes.)

Board Member Spata asked about the proposed sign, Mr. Ullmann explained its proposed location, size and lighting. Mr. Ullmann also provided the Board with an updated lighting plan for the sign that uses downward facing lighting as opposed to the original which has the lighting facing up.

With no comments from the public, a motion was made by Board Member Spata to close the Public Hearing, seconded by Board Member Kalb; all in favor. Public Hearing was closed at 6:55.

REGULAR MONTHLY MEETING

The Regular Monthly was called to order by Chair Rabuffo at 7:00.

Roll Called by Grace Grant, attendance recorded as follows:

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

Roll Call Summary: 7 Present

Others Present: Edward Ullmann for Phoenicia Wellness, Patty Brooks of Brooks and Brooks, Bob Kalb, Donna Lemoine CEO and Grace Grant ZEO

Old Business:

Phoenicia Wellness

With no questions for the applicant from the Board a motion to approve the Site Plan/Change of Use was made by Board Member Spata, seconded by Board Member Welton with a Roll Call Vote as follows:

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

Application is approved by the Board.

New Business:

An application for a lot line revision was submitted by Brooks and Brooks on behalf of parcel owners for 25.10-4-24.100 (Kirkpatrick) and 25.10-4-24.200 (Delvecchio.) Patty Brooks of Brooks and Brooks was in attendance to present to the Board. She explains that when DOT replaced/relocated the bridge in Mt Tremper they moved Mr. Delvecchios driveway and in doing so, a portion of said driveway ended up on the Kirkpatrick parcel. That driveway encroachment needs to be cleared up to facilitate a Flood Buy Out by New York City for the Kirkpatrick parcel. (Map is attached to these minutes.)

After the presentation, with no further questions from the Board a motion was made by Board Member Spata to approve the lot-line revision, seconded by Board Member Welton with a Roll Call Vote as follows:

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

Application is approved by the Board.

Minutes:

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

Other Business:

CEO LeMoine asked the Board about regulation regarding Tiny Homes and whether the Board felt it would be a good idea to add regulations to the Towns Zoning Code to set a required minimum square-footage for single family residences since State Code does not have a minimum set. Board Member Spata states that regulating "Tiny Homes" may limit affordable housing options going forward. Board Member Welton states that many Towns are adding Accessory Dwelling options/regulations in hopes of alleviating affordable housing problems.

CEO LeMoine would also like to increase the fees for Fire and Safety inspections going forward, and has notes that she has been seeing a lot of construction/building going on without permits and has been addressing those as she notices them.

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 Shiner; all in favor. Meeting was adjourned at 7:55.

Ulster County Planning Board



Dennis Doyle, Director

RECOMMENDATION

Sam Spata
Town of Shandaken Planning Board
P.O. Box 134
Shandaken, NY 12480

REFERRAL NO: 2022-159

DATE REVIEWED: 9/7/2022

Re: Phoenicia Wellness Rx – Site Plan Review

Summary

The applicant is proposing to renovate and reuse a former bank for pharmacy use. The proposal is located at 53 Main Street in the HC zoning district.

The following materials were received for review:

- Referral Form
- Photos and Simulation of Proposed Lighting0...
- Short EAF
- Signage
- Site Plan Set
- Town Planning Board Application

Recommendations

Lighting

Lighting details are absent from the materials provided for review. The simulation provided does not indicate the type of fixture to be installed.

Required Modification

Lighting levels will need to be calculated for the plan with levels not to exceed the Illuminating Engineering Society (IES) Outdoor Site/ International Dark-Sky Association (IDSA) Area Recommended Illuminance Levels (see attached). All luminaires are required to be LED and will need to meet the “fully shielded” definition adopted by the International Dark-Sky Association (IDSA) or be an approved fixture of IDSA with cut sheets provided.

Sustainability and Flood Resiliency

As part of the redevelopment of this facility, it is important to include compliance with the NYS Energy Code as part of the review of projects and to incorporate responsiveness to climate change as part of each proposal as a means of taking the opportunity to reduce carbon emissions whenever possible. The use of LED lighting, which is now common practice countywide, should be considered just a starting point. Moving away from fossil fuels as a heat source and increasing insulation is also recommended. It is also noted that the project is within the 100-year plan and the history of flooding of the area, as with the original project location, special attention to the resiliency of the structure to recover from flooding events be incorporated into the design and review process.

Required Modification

The Town and the applicant should look at the ways the proposal is meeting the NYS Stretch Energy code and actively seek to reduce the carbon footprint of the facility using alternatives to fossil fuels such as passive solar and geothermal heating use of heat pumps. Given the flooding history of the area, it is recommended, if not already completed, that flood-resiliency of the first floor be accomplished as part of the development of this site plan, which could incorporate alternative flooring (vinyl planks, etc. that is more easily cleaned/replaced/water resistant), locating internal electrical wiring to higher locations in the structure, etc., and other practices that help a business more easily recover from flooding events and return to operation more quickly.

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

Cc: Vivian Welton - UCPB

LEGEND

- PROPERTY BOUNDARY
- DEVELOPED AREA
- ROADWAY
- WATER PIPE
- SEWER
- UTILITY POLE
- UTILITY LINE
- STONE WALL
- STONE SET WALL
- EDGE OF WOODS

Line Table

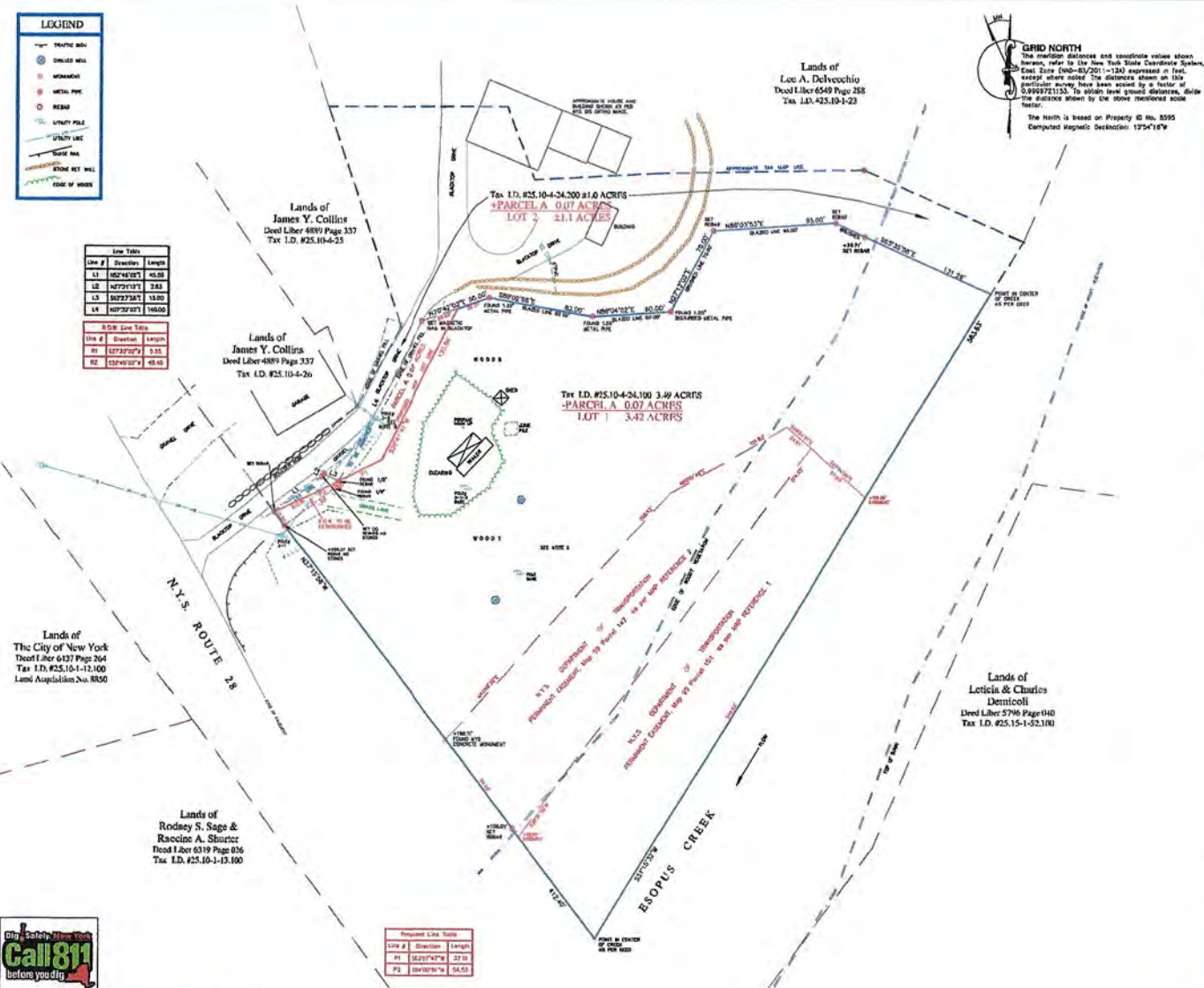
Line #	Description	Length
L1	S87°45'07" E	43.88
L2	N72°03'37" E	24.1
L3	S82°27'58" E	13.80
L4	N72°03'37" E	166.60

ROD Line Table

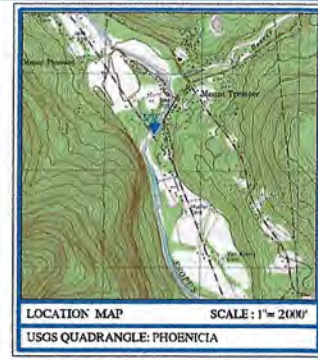
Line #	Description	Length
R1	S72°32'27" E	5.51
R2	S52°49'32" E	48.48

Proposed Line Table

Line #	Description	Length
P1	S23°17'47" E	27.01
P2	S10°09'31" E	24.53



GRID NORTH
The meridian distances and coordinate values shown herein, refer to the New York State Coordinate System, East Zone (NAD-83/2011-12A) expressed in feet, except where noted. The distances shown on this particular survey have been scaled by a factor of 0.999721133, to obtain true ground distances, below the distance shown by the above mentioned scale factor.
The north is based on Property ID No. 8395
Computed Magnetic Declination: 12°54'16"W



TOTAL AREA : 24.5 ACRES

REFERENCE DEED:
SBL: 25.10-4-24.200
John Lucarelli
- to -
Lee A. Delvecchio
Deed Liber 3028 Page 070
Dated 27 March, 2000
Filed 03 April, 2000

RECORD OWNER:
Lee A. Delvecchio
12 Sunset Drive
Sharon, CT 06484

SBL: 25.10-4-24.100
Robert J. Kirkpatrick II & Casey L. Kirkpatrick
Trustees for the Robert J. Kirkpatrick Irrevocable Trust
- to -
Robert J. Kirkpatrick II & Casey L. Kirkpatrick
as Trustees of The Linda J. Kirkpatrick Irrevocable Trust
Deed Liber 6522 Page 346
Dated 17 October, 2016
Filed 25 November, 2016

Robert J. Kirkpatrick II & Casey L. Kirkpatrick
as Trustees of The Linda J. Kirkpatrick Irrevocable Trust
549 Rack Cut Road
Walton, NY 12588

- NOTES:**
- 1) Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's Seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law.
 - 2) Only copies from the original of this survey marked with an original of the Land Surveyor's sealed seal or his/her embossed seal shall be considered to be valid true copies.
 - 3) Subject to all legally enforceable covenants, easements, restrictions, conditions and agreements of record.
 - 4) Subject to whatever state of facts a complete search of title may reveal.
 - 5) Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Professional Land Surveyors as adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the parties so noted. Certifications are not transferable to additional parties, their successors and/or assigns, or subsequent owners, except as noted.
 - 6) Sub-surface structures not visible or readily apparent are not shown and their location and extent are not certified.
 - 7) Highway bounds based on Map Reference 2.
 - 8) Subject to a 30' wide Utility Easement running from Pole 3-7 to pole 3-B granted by Linda Kirkpatrick to NYE Electric & Gas as described in Liber 3274 Page 10.
 - 9) Referenced Domestic Water Supply Easement between Linda Kirkpatrick & John Lucarelli, filed in Liber 1494 Page 085 and subsequently extinguished in Deed from John Lucarelli to Lou A. Delvecchio in Liber 3028 Page 070.
 - 10) Parcel A is to be conveyed to and combined with Tax Map Lot No. 24.200 and is not to be considered a suitable lot unto itself.

- MAP REFERENCE:**
- 1) "Proposed Subdivision, Lands of Linda Kirkpatrick" filed with the Ulster County Clerk's Office on 10 November, 1983 as Filed Map No. 30442 by Vincent J. Dice, P.L.S.
 - 2) New York State Department of Public Works Description and Map for the Acquisition of Property, Ulster-Delaware S.R. No. 16, Map 58, Parcels B0 & 147.
 - 3) "City of New York Department of Environmental Protection Land Acquisition Survey in the matter of occupying Lands of Theodoris II & Lynne Byron" Land Acquisition ID No. 8855, dated 08 June, 2010 prepared by Brooks & Brooks Land Surveyors P.C.

TABLE OF BULK REQUIREMENTS

ZONING DISTRICT	R-1.5
MINIMUM LOT AREA	1.5 Acres
MINIMUM LOT WIDTH	200'
MINIMUM FRONTYARD SETBACK	50'
MINIMUM SIDEYARD SETBACK	25'
MINIMUM REARYARD SETBACK	50'
MAXIMUM BUILDING HEIGHT	35'
MAXIMUM BUILDING COVERAGE	10%
MINIMUM OPEN SPACE	60%

OWNER'S CERTIFICATION

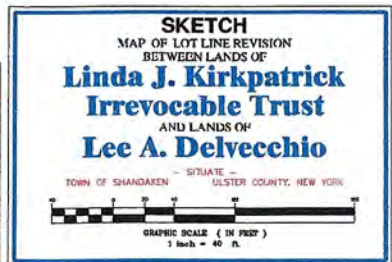
The undersigned, owner or owner's authorized representative of the property shown on this plot, does hereby certify that he/she has reviewed this plot, is familiar with this map, its contents and its notes and hereby consents to all said terms and conditions as stated hereon and agrees to file this map with the Ulster County Clerk.

Signature _____ Date _____
Signature _____ Date _____

PLANNING BOARD ENDORSEMENT

Approved by resolution of the Planning Board of the Town of Shandaken subject to all conditions and requirements of said resolution. Any change, amendment, modification, or revision of this plot as approved shall void this approval.

Chairperson - Town Planning Board _____ Date _____



BROOKS & BROOKS
LAND SURVEYORS, P.C.

11 Main Street
Shandaken, NY 12588
613-891-7139
www.brooksandbrooks.com

SURVEYING - PLANNING - GIS

Francis Paul Brooks, L.S. Robert C. Brooks, L.S.
Registration No. 49795 Registration No. 46800
Charleston T. Gray, L.S., Associate
Registration No. 51054

I HEREBY CERTIFY that this map is a true representation of a survey performed by the office in the field on 03 June, 2021 in accordance with the existing code of practice as required by the New York State Association of Professional Land Surveyors.

By: **Francis C. Brooks, L.S.** **Robert C. Brooks, L.S.**
08 July, 2022 **PROJ#8746, SH282746a,282**