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**Town of Shandaken Planning Board
 Minutes for Public Hearing
 April 12th, 2023**

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

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	Present

Roll Call Summary: 6 Present, 1 Absent

Others Present: Zoning Enforcement Officer Grace Grant, Code Enforcement Officer Donna LaMoine, Supervisor Peter Disclafani, Don Brewer, Peter Ryan, Alison Smith, Mariusz Wotjania, Brady Beal, Sue with Control Point Associates, Thomas Shepardson

Regular Monthly Meeting was preceded by a Public Hearing for Michael Ferrari & Maxine Sherman at 7:00 as follows: Applicants are seeking a Special Use Permit for an Accessory Dwelling.

Chair Rabuffo asks for the legal notice to be read, by Planning Board Secretary Amantia. Chair Rabuffo ask's if the Board Members or if the public have any comments. Chair Rabuffo states, at this time we're still waiting for more information on the project, so the hearing will be kept open, until next month's meeting. With no comments from the public, or Board , a motion was made to keep the public hearing open, for Tim Guiher, on behalf of Maxine Sherman and Michael Ferrari.

All pertinent information having been discussed; Chairman Rabuffo closed the public hearing at 7:05 on a Welton/Spata motion.

**Town of Shandaken Planning Board
Minutes for Regular Monthly Meeting
April 12, 2023**

The regular monthly meeting was called to order at 7:08 pm with the pledge of allegiance.

Chair Rabuffo ask's the Board if they've had a chance to look over the previous month's meeting minutes. One correction made by Board Member Welton; a typo was pointed out. With no further comments or corrections, a motion was made by Board Member Christie, to approve the minutes, seconded by Board Member Welton.

Old Business:

The first order of business on the agenda, is Mariusz Wojtania, for a lot line adjustment. Board Member Christie ask's the applicant, if any changes have been made since the last time he was before the Board, the answer is no. Mr. Beal has updated maps with him this evening, and the Board Members all review the new map. Chair Rabuffo says everything looks good, they just need stamped signed copies of the new maps, that he brought in tonight. Chair Rabuffo makes a motion to approve the lot line adjustment, pending the receipt of stamped signed maps. A motion was made by Board Member Welton, seconded by Board Member Kalb. 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

Crossroads Ventures/Special Use Permit Extension

The next order of business on the agenda is Crossroads Ventures. Tom Shepardson attorney of Whiteman, Osterman, & Hanna, is here to represent them. They are asking for an extension of their Special Use Permit and Site Plan approval. Mr. Shepardson mentions he doesn't have much to add that was not already stated in the letter that was sent to the Board. Mr. Shepardson states they are still working with the State in an attempt to transfer

Highmount Ski center , which hasn't occurred yet, so the project hasn't moved forward. He is here tonight to request an extension on their Special Use Permit, and Site Plan approval.

Board Member Welton ask's what is the timeline that is being proposed once the transfer of Highmount occurs. He states the developer which is Crossroads, is seeking to partner, or sell to another developer with capital and finances that can actually build the project. Mr. Shepardson states once the ski center transfer happens, which is a pre requisite to any future development of the property by his client, or another developer, nothing can happen until that occurs. Board Member Welton ask's if there are people who are interested. Mr. Shepardson says his client has been in contact with other representatives, banks, lenders, other developers , for that purpose. Board Member Welton ask's again if anyone has expressed interest in the project. Mr. Shepardson says yes , but not until this pre requisite occurs which is the transfer of the Ski Center, he states there's no interest until that happens. Board Member Welton ask's if they have an interested party or developer, how long will the time line be before a building permit is obtained, and the project is started. Mr. Shepardson states that's a pretty variable type of question, he states he's unable to answer that question at this time. Board Member Welton states the Town now has a comprehensive plan and committee , she states our neighboring town has instituted a moratorium on new development approvals , because they want to put this comprehensive plan in place. Board Member Welton states the Town'' wouldn't want to be stuck with a plan that doesn't fit the new comprehensive plan, unless there is some sense of urgency to get it going. Mr. Shepardson also states ongoing litigation of the project, in 2018-2019, held it up as well, as the pandemic. But he does say the State does want to be involved in the project. Chair Rabuffo states were going beyond the scope of why Mr. Shepardson is here.

Chair Rabuffo states we did receive a letter, stating the Planning Board does not have the authority to renew, this Special Use Permit, but they do in fact ,have the authority to renew. Chair Rabuffo states he reached out to the Town lawyer to confirm as well. There's a discussion amongst the Board about renewing the Special Use Permit for a year. Board Member Welton states she'd like to see some progress on the project if it's renewed, Board Member Christie points out, we won't see any progress unless it is renewed. Board Member Welton states perhaps it can be renewed with conditions. Board Member Kalb points out the Baptist Camp, in Big Indian , kept renewing their permit, because they didn't have the money to do, what they needed to do. The Board kept renewing it until they were able to complete their project. Board Member Kalb states if the Board thinks the project is viable, they will support it. Chair Rabuffo adds he doesn't think anyone on the Board wants to keep renewing this for the rest of time, but there is indeed a time limit, but what that is exactly he is unsure, but knows it will not be this year. Board Member Kalb states it's not necessary to be a condition on their extension. Board Member Kalb states progress could be doing perc tests. Board Member Kalb also mentions, this project has been in the works, for 19 years, and thinks giving them additional time is what needs to be done.

Brian Powers, has concerns, and addresses' the Board, and ask's if public comment can be made. Board Member Kalb says no, this has been an ongoing project for 19 years. Mr. Powers says per the project, this is based on information that dates back to 2002 and 2003. Board Member Kalb, ask's Mr. Powers if he thinks they should file a new application. Mr. Powers says yes, he thinks circumstances in Shandaken have changed radically. Board Member Kalb states a representative from the Catskill Heritage Alliance approached the Board and said they felt this project would be detrimental to the other hamlets, Board Member Kalb states she'd like to know how that would be. Mr. Powers states the Board has the ability to vote, and he feels it's not clear to him, and many others, wondering what's happened over these last five years. Mr. Powers states this is a permit that was issued by this Board many years ago, based on data that goes back to the early years of the 21st century. He states its based on socioeconomic data , which has zero relevance to today. Mr. Powers says things are totally different in Shandaken now, then they were when this project was first proposed in this room in October of 1999. Board Member Kalb ask's Mr. Powers what his objection is? Mr. Powers states, it's the biggest project in the entire Catskill region. He also states the Board wants to re issue a permit based on ancient data. He states this is not the same project, that it once was, when they first came to the Board, several years ago. Board Member Kalb, says it has nothing to do with you, it has to do with the developer. Mr. Powers adds it has to do with everybody in Shandaken, he notes quality of life, as well as the use of the public resources . Bob Kalb addresses Mr. Powers, and says he understands his problem , but he'd like to ask him a question. Mr. Kalb ask's if he's going to get New York State, to reimburse this project ?, he states at 1200 acres they had to surrender to the State to get approval for this permit. Mr. Powers says he's not interested in which developer bought 2,000 acres in 1998 to build the project and that it's gone through a number of generations, where land has been sold through the state, now you're saying you think the state should buy it back?

Chair Rabuffo ask's Mr. Shepardson if there have been any changes made to the application to the proposal. The answer is no there have not been. Chair Rabuffo states this is just a question of extending their permit. Mr. Powers ask's how long ago has this been reviewed ? and feels more attention to this project would be necessary, since it was started so long ago. Board Member Welton ask's Mr. Shepardson regarding something she read in the newspaper. She states time shares on the project are now proposed to be condos, is that correct?. Mr. Shepardson states there is the hope that potentially the timeshare aspect of the project would eventually turn into condo use. Chair Rabuffo states they are not allowed to make any changes; they're just extending their existing permit. Mr. Shepardson states if there are any changes, they'll be back before the Board. Board Member Chrisite states he understands Mr. Powers points, about how Shandaken has indeed changed since they first presented, but the world has as well, which is inevitable. Roger from the Catskill Heritage Alliance, Pine Hill resident since 2001, asks to note that the CHA's attorney did send two letters to the Board, in regards to the project. The Board states yes, they have received the letters. He states he wanted to summarize what was put into the letter by their attorney. He states this is an issue of confusion for the public, and that it's a public policy issue.

Chair Rabuffo reads aloud the letter sent from The Town of Shandaken's attorney. The letter sent from the Catskill Heritage Alliance attorney, states that a special use permit, shall expire if a building permit for the special use permit activity is not issued within one year of the date of issuance of the Special Use Permit. However the case law is well settled that even when a zoning code contains such a permit expiration provision, a Board possesses the legal authority to extend the special use permit and that a request for the permit extension , is not treated as a new application. Chair Rabuffo states this is a renewal for another year, its not an unlimited license to keep going forever. Next year we'll see what kind of progress has been made. Board Member Horn, states everyone may have a different opinion or idea, of how long projects should be extended, it only matters what the code says. Board Member Horn also notes that its not their job to criticize those who haven't made progress, he adds he didn't make any progress today either. Board Member Spata, makes a motion to extend the Crossroads Ventures Special Use Permit, for another year, seconded by Board Member Kalb. Roll call vote as follows:

Cliff Rabuffo Chair:	Yes
Art Chrisite	Yes
Joann Kalb	Yes
John Horn	Yes
Alan Shiner	Absent
Sam Spata	Yes
Vivian Welton	No

The roll call vote has 5 yes's, one Board Member absent, and a no from Board Member Welton. She states the reason for her no, is that she is on the comprehensive plan committee. She states to her she feels the precedent that it sets, that a big project like this can automatically have that much weight because it's so big. She states on the CPC they need to address how large a project should be, to be right for the community. Board Member Horn ask's how long until the comprehensive plan will be approved, Ms. Welton states a year.

New Business:

Peter Ryan & Karen Steitz -Lot Line Adjustment

The next order of business on the agenda, is Peter Ryan, and Karen Steitz. They are here for a lot line adjustment. Mr. Ryan tells the Board he purchased & renovated this property two years ago, on route 42, Mr. Ryan states for many years, there has been a lot line issue. He states Mark & Patti Jeffries, live behind them , & they have a garage on the property that he purchased , they would like to have the line corrected , for it to be up to building code, and it will improve things overall. Don Brewer states the acreage has not been changed, the acreage on both lots are the same. Don Brewer explains to the Board, Mr. Ryan's neighbor Mark Jeffries, property line showed that this garage wasn't even on his property, so that

situation is trying to be fixed. Mr. Brewer states they pulled the property line off of the house so it meets zoning. Board Member Spata ask's if there are any physical changes being made. Mr. Ryan says no , there have been improvements made, including new electric, new floors, & a new kitchen. Board Member Spata ask's if the home is currently occupied? Mr. Ryan says at the moment no, but they have an interested buyer, but this lot line needs to be fixed, before the purchase is made. Chair Rabuffo ask's what the zoning is, Mr. Brewer says an acre and a half, the Board interjected and says its actually an R5 zone. Board Member Spata makes a motion to approve the lot line adjustment, seconded by Board Member Christie. Roll call vote as follows:

Cliff Rabuffo Chair:	Yes
Art Chrisite	Yes
Joann Kalb	Yes
John Horn	Yes
Alan Shiner	Absent
Sam Spata	Yes
Vivian Welton	Yes

Alison Smith- Special Use Permit

The next order of business on the agenda is Alison Smith. Chair Rabuffo ask's the applicant to summarize what she explained the Board, at the Planning Board workshop last month. The applicant would like to rent bicycles to individuals, & tourists, in the Pine Hill area. She will deliver the bicycles, and store them at her house in Pine Hill. Board Member Spata states the material being presented tonight, supports what the applicant is proposing, and what was discussed previously at the Planning Board Workshop, last month. Chair Rabuffo states the EAF form will be reviewed by the Board Members. Board Member Spata makes a motion, to hold a public hearing for the applicant at next month's meeting, seconded by Board Member Welton. All in favor, the public hearing will be May 10th at 6:45.

Sola Estate – Lot Line Adjustment

The next order of business on the agenda is the Sola Estate. Sue from Control Point Associates is here to represent the Sola Estate, for a lot line adjustment. The Board Members look over the maps presented to them; it is an even land swap between two parcels of land. Chair Rabuffo ask's the Board Members if they've had a chance to review the maps, application, and the EAF. Board Member Christie makes a motion to approve the lot line adjustment, seconded by Board Member Spata. Roll call vote as follows:

Cliff Rabuffo Chair:	Yes
Art Chrisite	Yes
Joann Kalb	Yes
John Horn	Yes

Alan Shiner	Absent
Sam Spata	Yes
Vivian Welton	Yes

Other Business:

Adjournment:

All Evening's business having been discussed; the board adjourned at 7:52 on a Spata/Kalb motion. All in favor.