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

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

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	Absent
Allen Shiner	Present
Sam Spata	Present
Vivian Welton	Present

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

**Others Present:** Zoning Enforcement Officer Grace Grant, Tariq Gujar, Michael North, Supervisor Disclafani, Rob Stanley, Deputy Supervisor VanBlarcum, Bob Kalb, Kathy Nolan, Mary Herman

**Minutes:** The first order of business is reviewing last month's meeting minutes. Chair Rabuffo ask's the Board Members if they have had a chance to review them, and if there are any questions or comments. With no comments or corrections from the Board, a motion to accept the minutes was made by Board Member Christie, seconded by Board Member Welton, all in favor.

**Old Business:**

**New Business:**

**Aero Star Petroleum LLC 4.46-3-10**

The next order of business is the Belleayre Plaza. Chair Rabuffo ask's for the applicants to walk the Board through the project. Michael North of North Engineers is here with Tariq Gujar, president of Aerostar Petroleum who purchased the Belleayre Plaza. The plan is to upgrade the existing facility and improve it, and expand it. Mr. North states they will be keeping all of the functions the plaza currently has, with the addition of a Dunkin Donuts drive thru.

Mr. North states he has been in contact with the DOT, and they are happy with the entrance and exit to the plaza, and there will be no curbs because of the drainage it could possibly affect. Mr. North states they have been in contact with the State as well, regarding the removal of the tanks, and they are happy to hear they are being replaced. He states about half an acre will be disturbed, there will be retaining walls to create the space that they need for a decent gas station.

The new build will include a Dunkin Donuts drive thru the convenience store, the liquor store, the laundromat, and a Trailways bus stop.

Board Member Welton asks about the curbs, and since there will be none it won't be a curb cut issue? Mr. North states the existing entrance and exits will stay as is, they may add an entrance and exit sign. Board Member Welton ask's how individuals will access the Dunkin Donuts drive thru? Mr. North states Dunkin Donuts has very strict rules about their drive thru, he states they need one to have stacked area, for there to be enough room for vehicles, so they are not spilling into the roadway, he states the space has plenty of stacked area. Board Member Welton ask's how many cars will be able to fit in the drive thru, the answer is 10 or less. Individuals will access the drive thru behind the back of the building, and it will loop around. Board Member Spata ask's if they have an environmental consultant, in regards to the removal of the current tanks.

Board Member Spata also ask's if there will be any studies done before the tank removal process. Mr. Gujar states once the tanks are removed, they contact the DEC, they will come to the site, and monitor the process. Board Member Spata ask's the applicant how he is mitigating the risk of potential plumes. Mr. Gujar states they are strong enough to take care of it, they have done many of these projects before, this will be his 48<sup>th</sup> gas station in the area.

The previous owners of the Plaza have 200,000 in an escrow account, the applicant states if the cost is more than that, he will have no issue paying for what needs to be taken care of, in order to properly clean the site. They plan on demolishing the building and cleaning up the site at the same time, they add the DEC is very strict and they deal with them all the time. Board Member Spata ask's what other functions the plaza will have, other than the laundry mat and gas station. Mr. North states it will consist of a convenience store, a liquor store, and a Dunkin donuts drive thru, as well as the laundromat, which will be a separate building.

Board Member Spata ask's how a drive thru on a scenic highway will be a compatible use. Mr. Gujar states the drive thru will be much more convenient for individuals who are on their way to work, etc. whom would like to go through a drive thru, rather than go in the store. The order process for the drive thru, will wrap around the back of the building, and one will pick up the order in the front of the building. Board Member Spata ask's where the sign for Dunkin Donuts will be. Mr. North states it will be on the Mobil Gas sign, on the bottom. Mr. Gujar does not like too many signs, it will stay on the Mobil Gas sign, unless Dunkin requests more signage.

Board Member Spata ask's if any traffic studies have been done? Board Member Spata states if you are coming from Bellyare Mtn and heading towards the plaza, the speed can be significantly increased due to the large hill. Mr. North states he has been to the site several times, and he understands that the one's speed can be increased in that area, but does not think a traffic study is necessary. Board Member Spata does not like the idea of a Dunkin Donuts in the new plaza, and ask's why they haven't considered something local in the building, in terms of coffee or a café.

Mr. Gujar states he understands, but people love Dunkin Donuts. Board Member Kalb states that the Bellyare Plaza used to have a Nathan's Famous Hotdog, with a large sign, and she including many others loved it. Board Member Kalb states she does not think there will be a detrimental impact on Route 28, by having a Dunkin Donuts, be a part of the Plaza.

Mr. North adds that most of the property is State owned land, and they are following the setbacks, and they are far back from the road. Board Member Shiner ask's if they have shown these plans to Dunkin Donuts yet? They have not shown them to them at this point, Board Member Shiner states wouldn't it make more sense, to show Dunkin Donuts the proposed drive thru first, before any Planning Board approvals. Mr. Gujar states they have several other Dunkin Donuts in their other gas stations, and they know what they want and what they are looking for.

The sign requirement for Dunkin Donuts, is they would like it on the building , but it will be on the Mobil Gas sign. ZEO Grant states any changes to a sign, including the size, design, and lighting, need to be added to the Site Plan. Mr. North states he would like to get the tanks cleaned up ASAP, and get the site underway.

Chair Rabuffo ask's if the sign will be in the same spot? The answer is yes it will be. Chair Rabuffo ask's if there will be any changes to the entryway, or any curbs? The answer is no they will not be making any changes.

Chair Rabuffo ask's if the Board Members have looked over the SEAF. Chair Rabuffo ask's what their intended hours of operation will be? Mr. Gujar states he would like it to be 5 pm to 12 am, and eventually 24 hours. Board Member Spata states the answer to question 8 on SEAF will the proposed action result in substantial increase in traffic above present levels?

The question was answered no, and Board Member Spata states they have no proof that the traffic will not increase. Board Member Spata states that with the drive thru there is no traffic study, being that people love Dunkin Donuts, there is a potential hazard” on Route 28, without a que. Mr. North states the building already exists, and does not see a substantial increase in traffic, being that the building is already there, and has only been shut down for the past few months, since it was sold.

Chair Rabuffo ask’s the Board Members if they have had a chance to review the Site Plan Checklist? The Board Members review the checklist. Board Member Welton ask’s if there is only one dumpster on site? The answer is yes. Board Member Shiner ask’s what if the clean up amount exceeds the 200,000 dollars that is being held for that purpose, will he clean it up. Mr. Gujar states yes if it exceeds it, he will take care of it.

Board Member Shiner ask’s if they will be doing the cleanup, or the demo, first? They plan on demoing the building and cleaning up the site at the same time, they add the DEC is very strict, they will be on site, watching and they deal with them all the time.

Board Member Spata states he would like to make a conditional motion, based on a traffic study and an environmental study. He states our neighboring towns are going through lawsuits, for disturbance to polluted soil. Board Member Spata feels the traffic study is necessary with the addition of the drive thru. Mr. North states he does not see how it would impact the highway the entrance is 150 ft off the road. Chair Rabuffo adds a traffic study would only analyze an increase in traffic on route 28. Mr. North adds the study would analyze the traffic that is already on Route 28. Board Member Shiner adds there is nothing to count now, if one was done it would need to be done in the winter months.

Mr. North adds he understands there could be some potential issues with making a left-hand turn, he states he can speak to the DOT, there is some discussion about the Dunkin Donuts making the plaza a destination, but the Plaza has been there for many years, the building is not new. There is some discussion amongst the Board about the drive thru making the plaza, a “destination,” although this is an existing building, which individuals have been making left hand turns into for years.

Board Member Kalb states she does not understand how the drive thru, would make a significant impact. Board Member Spata mentions the stacked area, which the cars will be in , upon waiting to go through the drive thru. The drive thru, is around the back of the building, so there would be no spillage anywhere near Route 28, Board Member Spata mentions there is no queuing.

Board Member Kalb states she has been a frequent customer of the plaza for years, and has never feared making a left turn into it. Chair Rabuffo states this is the same problem that we as a Board have faced with other business’s as well. Maeve’s coffee shop, the Phoenicia Diner, and Woodstock Brewing. Chair Rabuffo states with a traffic study all that will be

determined is the maximum capacity of the road, and whether it will be affected, and it will not exceed Route 28's maximum capacity. Board Member Christie points out, according to the plans, and how the drive thru is designed, the cars will be going around the back of the building, and there will be no possibility of any cars spilling out onto Route 28.

Board Member Spata ask's what is the maximum capacity of vehicles that will fit in the drive thru? The answer is 12 cars. Chair Rabuffo states if there is any spillage of vehicles, it will be in the plaza parking lot. Board Member Shiner ask's if they have done a soil study per removing the tanks. He states anything environmental will be falling in the hands of NYS or the DEC. Mr. Gujar owns 47 gasoline stations, he is not going to abandon this one if something was to go wrong, he will take care of it. Mr. Gujar also states he does not have to change the tanks, this is something that he is doing for his own benefit, and peace of mind to have a clean site.

There is a discussion amongst the Board and the applicant about the tank removal. Mr. Gujar states, if something was to arise during the tank removal process, the DEC would be coming after him to remedy the situation, not the Town of Shandaken. Board Member Spata states the applicant's company Aero Star Petroleum is privately owned not publicly traded? The answer is yes, it is privately owned. Board Member Spata ask's what the applicant can provide to the Board to demonstrate that you are indeed an entity who knows what they are doing, in terms of an annual report. Board Member Shiner ask's the applicant, if he owns 47 gas stations , the answer is yes , and if a list can be provided. Some of his gasoline stations include three locations in Rosendale, two in Stone Ridge, Ellenville, Warsborow, Route 17, Route 209, all the way to Roscoe.

Mr. Gujar states NYS and the DEC are very strict and they will be monitoring and watching the process. Board Member Christie states if something is to come up, during this the DEP will be standing close by watching. Mr. Gujar states they do not need to change the tanks, they can keep it as it, and change the pumps , this is something he is doing for himself and the future of the establishment. He states he does not have to do it, both the pumps and the tanks are good, there are no leaks, the piping is good, he is doing it so the site is clean.

Board Member Shiner states they do not want something to happen, during the process and for the applicant to disappear. Mr. Gujar assures the Board that will not happen, he has many gasoline stations throughout our area, and he just purchased the plaza for a million dollars, he's not going anywhere. Board Member Shiner states we recently had an applicant who abandoned three buildings, and would not want to see that happen.

There is a discussion amongst the Board, an audience member, and the applicant regarding the increase in traffic along route 28, when the Plaza reopens. Chair Rabuffo states in the past there have been business whom are new, have an increase in traffic, and have parked onto the roadway, and we have dealt with it, as we would if this was to become an issue. These issues have already happened at the Phoenicia Diner, Woodstock Brewing, and Al's

Seafood. Chair Rabuffo states we cannot prepare for everything, and we cannot say there cannot be new business on Route 28 because of traffic.

Following their review of the SEAF submitted by the applicant, the Board determined this is an Unlisted Action under SEQR. Mr. North adds that the Plaza is not a new business, it has been there for a long time. Chair Rabuffo states he does not feel a traffic study is necessary, nor is an environmental study.

Chair Rabuffo states as far as the store hours go for the future, if he would like the establishment to be 24 hours, to come back before the Board, before that decision is made. ZEO Grant states any changes being made to the sign, including size, lighting, and design, & location needs to be on the Site Plan, for the next meeting. Board Member Spata states he would like to see the maximum numbers of cars that can fit in the drive thru.

This application will be sent to the Ulster County Planning Board as well. Board Member Christie makes a motion to set a public hearing for Aero Star Petroleum, for August 9<sup>th</sup> at 6:30, seconded by Board Member Kalb, roll call vote as follows:

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

**Other Business:**

ZEO Grant states the Town Board is looking into a smart growth grant to fund a planner to help the comprehensive plan committee. A part of that application is letters from the Board's that would be impacted by the updated plan. Supervisor Disclafani states a letter from the Planning Board in support, asking the Town Board to move forward with the comprehensive plan.

**Adjournment:**

There being no further business before the Board, Board Member Kalb made a motion to adjourn the meeting, Board Member Shiner seconded, all in favor. The Meeting was adjourned at 8:11 pm.

These minutes were prepared by the Planning Board Secretary Olivia Amantia