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**Town of Shandaken Planning Board  
 Minutes for Regular Monthly Meeting  
 June 14, 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	Absent
John Horn	Present
Allen Shiner	Present
Sam Spata	Absent
Vivian Welton	Present

**Roll Call Summary:** 5 Present, 2 Absent

**Others Present:** Zoning Enforcement Officer Grace Grant, Mike Moss, Tariq Gujar, Michael North, Pam Veitch

**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. ZEO Grant states due to the workshop being cancelled this month, the applicants who were planning on attending the workshop, are here this evening.

**Old Business:**

**Firelight Camps LLC 25.1-2-25**

Matt Moss of Firelight Camps is here this evening. Mr. Moss is here to give an update on the progress they have made so far. Mr. Moss states it is a work in progress, and is not progressing as fast as he would have hoped. They are still awaiting several permits, including stormwater, and are waiting to hear from the DEP, Ulster DPW, re curb-cut. As well as the Department of Health, re: sewer/water system. They just obtained a Building Permit and Floodplain Permit, through the Town, and a Logging permit as well. They are still awaiting swift stormwater system; the design is being finalized. As well as DEP approval, they hope to start construction this year, but they more than likely will begin next year, and be opening in May of 2025. The Board thanks Mr. Moss for the update.

### **New Business:**

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

The next order of business is the Belleayre Plaza. The new owner and engineer is here to speak with the Board about their plans for the plaza. Michael North of North Engineers is here with Tariq Gujar, president of Aerostar Petroleum who just purchased the property. The plan is to upgrade the existing facility and improve it, and expand it. Mr. North states they have done several of these establishments, but this one has a few challenges. Those challenges include the mountain behind the plaza. Mr. North has been speaking to the DOT, and states they will require curbs for this new build. Mr. North explains they would like large openings at the entrance and exit for tractor trailers, they still in negotiations pertaining to the openings and new curb, but it will be similar to where the existing entrances are now.

Mr. North mentions they will try to keep the stormwater regulations to a minimum. He states the DEP will be on top of it, and says there is nothing for him to give to them, until they are further along in the process, they will be watching the erosion control. Chair Rabuffo asks how big the building will be. Mr. North states the property is half an acre, which is between the pavement and the buildings, and the clearing in the back of the building. 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, inside the convenience store, the liquor store, and the laundromat.

Board Member Christie asks if the current Building's will be removed, and if this will be new construction. The answer is yes, the current building will be demolished and it will be an entire new building. Mr. North states he has not been in the current building, has driven by many times, and does not think it is a "great building" quality wise. They plan to keep the laundromat as well, by putting up a new building, which they know is important for the community.

Mr. North tells the Board, the plans they are looking at now, are not complete yet, he states he still needs to determine the lighting, he states they will be down lights, no broadcast

lights. Chair Rabuffo asks about the removal and relocation of the underground storage tanks. Mr. North states yes, he has already spoken to someone about that.

Board Member Horn asks about the current establishment if it is open or not. The Belleayre Plaza has been closed for 6 months, but they hope to start the new build ASAP. Mr. North states the DEC will be involved in removing the existing tanks. Board Member Welton asks if it will remain a 1 story building, the answer is yes.

Chair Rabuffo asks if there is an existing well that will be used?, the answer is no they have municipal water and sewer. Mr. North states that have affected their setback regulations. Board Member Christie asks if the building will still remain the same, after the new build, and if there will be any changes. Mr. Tariq states it will be the same, just new and improved, with the addition of the Dunkin Donuts. Board Member Shiner states it is a good thing that they are thinking about the entrances.

Mr. North asks the Board, where they think the majority of the traffic comes from on that section of route 28. The Board all agree, both sides of the highway have a lot of traffic going towards Belleayre Mountain, and going the opposite direction. Chair Rabuffo asks if they will continue to sell Trailway's Bus tickets there, the answer is yes. Board Member Welton asks if it will also be a Trailway's Bus stop, the answer is yes. Chair Rabuffo states this is a very positive thing for the community, and we are all very happy to see the business reopening, and keeping the same amenities its always had, but with some upgrades and improvements.

Chair Rabuffo asks if the new building will be the same square footage. The new building will be a little bigger, making it 7,000 square feet, it is now 5,000 square feet. Chair Rabuffo asks if the liquor store will remain apart of the plaza as well, the answer is yes. Chair Rabuffo asks other than the Dunkin Donuts will their be a deli or additional food options, the answer is no deli. Board Member Shiner asks if Dunkin Donuts has a sign requirement, and the answer is yes. Dunkin Donuts does require a drive thru window as well.

ZEO Grant asks if the new sign will be in the same location and the same size? the answer is yes. Chair Rabuffo asks about the traffic flow that will occur with the new drive thru window. Mr. North states the drive thru will wrap around the building; Mr. North states they have very strict requirements for the drive thru window. Mr. North explains, one would come in the back to access the drive thru, and drive around the building. Chair Rabuffo states the Town has already received a letter in support of the new Plaza, from the director of the Pine Hill Community Center. Chair Rabuffo advises the applicants to review the specific code, 116-40 in regards to this project, and make sure that everything falls in line with those parameters. Chair Rabuffo thanks Mr. North, and Mr. Gujar, and looks forward to seeing this update and upgrade happen for the community.

**Pam Veitch 25.1-1-3.110**

The next order of business is Pam Veitch, her and her husband Fred own the Phoenicia Pizza in the Phoenicia Plaza, and the Barbershop on the boardwalk in Phoenicia. Mrs. Veitch states their goal is to move the barbershop to the Phoenicia Plaza where the pizza shop is. Chair Rabuffo ask's where exactly the barbershop would be with the Pizzeria, if it will be in the space where the dining room used to be. Mrs. Veitch states yes the dining room is a 7 by 15 area, and they split the dining room in half , some of the space is a storage and office area, and the front half of the space, will have one barber chair, for her husband who would be using the space part time. Chair Rabuffo ask's so there is no dining room? Mrs. Veitch states yes there is, but they lost 20 seats. It is half dining room, and half barber shop/storage. Mrs. Veitch explains, the barbershop has its own door inside the pizzeria, she states she has already met with someone from the Board of Health, she states he has seen the space and the separate entrance, she states they have no issue with it. She also states there is no water hook up, just a single chair , maybe two people can be in the space at once, but no more than that. Board Member Welton ask's the applicant about having no water on the barbershop side of the establishment. Mrs. Veitch states there is no need for running water, because he does not wash hair. Board Member Christie ask's in order to enter the barbershop, you enter through the pizzeria, it does not have its own entrance? Mrs. Veitch states it does not have its own separate entrance outside. Mrs. Veitch states there is a wall separating the Pizzeria and Barber Shop, she states the barbershop will only be open about 15 hours a week. Board Member Welton ask's if someone else will be taking over the Barbershop in Phoenicia ? Mrs. Veitch states she believes so, her husband has spoken to someone who is potentially interested in the space. The Board looks over drawings of the space with both the pizzeria and the barbershop. Chair Rabuffo states he does not see an issue. Chair Rabuffo states we need something from the Health Department in writing, stating the shared space for both the pizzeria and barbershop is okay. ZEO Grant ask's if this will require site plan approval, the Board does not feel this needs it. Chair Rabuffo states the biggest hurdle is the Dept of Health, which Mrs. Veitch has approval from, the Board just requires we receive something in writing stating that. The Board thanks Mrs. Veitch and wishes her luck on the new business.

### **Other Business:**

ZEO Grant states the Comprehensive Plan Committee would like comments from the Planning Board regarding what comes before the Board that could affect the future plan. Board Member Welton sates that any issues with the current zoning code could be improved. ZEO Grant states if there are issues that come before this board that you feel you've been inclined or had to decline something that someone wanted to do, because of the code. The comprehensive plan could address issues like that, pertaining to what type of issues have come before this board the most, that you feel the comprehensive plan could address in a positive way. Board Member Shiner feels condos are something that needs to be addressed, whether it is in the plan, it needs to be addressed. ZEO Grant states what the

plan could address is multi family housing and how housing in the town of Shandaken is an issue. ZEO Grant states what the comprehensive plan could do for the community. ZEO Grant states in her opinion is to find a way to address housing that's in keeping with the area. ZEO Grant states it is very difficult to build anything other than a 2-family house, and that the plan can likely address. ZEO Grant ask's the Board what other type of issues come before the board, Chair Rabuffo states special use permits, as well as noncommercial lots , since route 28 is residential. ZEO Grant states she speaks to at least 2 people weekly, who are interested in the Phoenicia Festival of the Voice, building, who would like to live in the building, and or would like to operate a business. ZEO Grant states one of the ongoing issues in Phoenicia is parking as well. Board Member Welton states she feels our sign law is too restrictive because she would like to be able to see a sign as a consumer. Chair Rabuffo states he feels its different depending where you are going, in Phoenicia for example, your traveling at slower speeds of 20-25 mph, as opposed to 55 mph on State route 28, that's a big difference.

Board Member Shiner adds, part of the issue is that pre-existing signs are much bigger, than what is now approved by the Board. Board Member Shiner also states about 90 percent of individuals will not come to the Board, and bend the rules, and that is one of the biggest problems. Board Member Christie states that is not a law issue, it is an enforcement issue. Board Member Christie states with the comprehensive plan needs direction first , and that gives perspective, and then our zoning will be addressed to what the future might be. Board Member Christie also states the other thing that was mentioned that is very complicated that nobody looks into, is the signs. He states we can make changes, but were in the Catskill Park , and the Catskill Park has sign regulations, and their sign regulations are a lot more strict then the ones we have. Board Member Christie states the Catskill Park Law says that signs can only be yellow and brown.

ZEO Grant states lighting is something to be addressed as well, since technically there is no code in regards to light, they touch on it but there is not much to the lighting code. Board Member Christie agrees it needs to be addressed since there are multiple different kinds of lights. Chair Rabuffo states energy infrastructure updates , maybe updating Main Street in the process, everything will need to be upsized as time goes on, perhaps more needs put on the electrical grid, maybe lines could be buried. Board Member Shiner ask's if penalties should be a part of zoning code? ZEO Grant states penalties are assessed by the court, she states most penalties are \$250.00 a day, up to the amount that is for the court. Board Member Shiner states if one gets a traffic ticket, or a parking ticket, that does not go the court, why cannot the Board have similar fines as well. ZEO Grant states there are penalties when an indivual does violate in any way shape or form. The Board agrees parking is one of the biggest issues with our town, there is no municipal lot, Board Member Shiner agrees Pine Hill is not any better, ZEO Grant points out, they are going to be paving that parking lot this summer. Board Member Welton states they are trying to come up with a survey to send to the community, and come up with a list of questions that they think will cover the comprehensive plan should address, and what the community thinks about it. Board

Member Welton states she thinks is to have the questions specific enough that we could make a policy according to the answers. Board Member Welton states it may be a good idea and make the most sense, to do the survey and to base the plan off of the answers to the questions given in the survey. Board Member Welton adds what we have discussed about zoning, and things that need to be addressed, zoning expansion or changes , if they could be put in survey questions, so we could get feedback , in order to find out how people feel about signs, expanding commercial zones, etc. ZEO Grant states that is the exact kind of thing that the comprehensive plan could , and should address. The Board also discusses speed limit signs on route 28 as well, should there be more of them, individuals either go too fast , or too slow.

Board Member Christie states our primary resource in the Town of Shandaken is tourism and what we can do in the future to maintain people to come up, and see our town. Another question is why are they coming here? and what changes can we make for the future. Board Member Christie states when he's at the Ice Cream Station in Phoenicia, and sees out of towners he'll ask what brought you to Phoenicia? The answers vary, but a lot of people love the lack of cell phone service, he states it is a very fine line what we can do as far as development goes, and our tourism industry. He states another individual he had spoken to, said how much his family loves it here, and when asking his teenage children what they loved about being in Phoenicia, is the quiet, there are no sirens, or heavy traffic or noise. Board Member Christie states the family he spoke to, had gone on the Rail Explorers bikes and saw a bald eagle, and had a great time, Board Member Welton adds a lot of people love the Rail Explorers, while many people are against it as well. Board Member Christie also mentions so many people who he speaks to who are tourists, claim they love our Town so much, because nothing has changed, and its kept the small town beauty and charm. Board Member Shiner adds where we live there are so many mountains that nothing can be built, therefore you cannot increase the density, over 90 percent of our area is unbuildable.

### **Adjournment:**

There being no further business before the Board, Board Member Christie made a motion to adjourn the meeting, Board Member Shiner seconded, all in favor. The Meeting was adjourned at 8:12 pm. Amantia

These minutes were prepared by the Planning Board Secretary Olivia Amantia