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**Town of Shandaken Planning Board  
 Minutes for Public Hearings  
 June 8, 2022**

The regular monthly meeting was called to order with the pledge of allegiance at 7:05pm.

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, Floodplain Manager Rob Stanley, Building Inspector Donna LaMoine, Supervisor Peter Disclafani, Kevin VanBlarcum Deputy Supervisor, Sarah Pellizzari

**Minutes:** Chair Rabuffo opens the public hearing at 6:54, for Durga Bernhard, in regards to a special use permit at 203 Broad Street Hollow. Ms. Bernhard would like to convert her garage into an apartment for her daughter and her boyfriend. Planning Board secretary Olivia Amantia, read's aloud the Legal Notice, for Ms. Bernhard's public hearing. Chair Rabuffo ask's if there are any additional comments from the board, or anyone present regarding her application. ZEO Grant mention's all of Ms. Bernhard's neighbors have sent in letters, in support for her project. There being no further comment, or objections ,Board Member Welton makes a motion to close the Public Hearing, Board Member Spata, second's the motion. 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

At 7:00 Chair Rabuffo, opens the second public hearing for Thomas Pelphrey, for a special use permit at 210 Muddy Brook Rd, to convert a barn into a habitable living space. Planning Board Secretary Amantia, read's the legal notice. Chair Rabbufo, ask's if anyone present or any of the Board Member's, have any comment about this project. Sarah Pellizzari, who is representing Thomas Pelphrey, mention's there is a letter that was sent from one of the abutting neighbors in support of Mr. Pelphrey's project. There being no further comment, or objections, Board Member Spata makes a motion to close the public hearing, Board Member Kalb second's the motion. Roll call vote as follows:

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

**Town of Shandaken Planning Board  
Minutes for Regular Monthly Meeting  
June 8,2022**

Chair Rabuffo calls the regular monthly meeting to order with the pledge of allegiance at 7:05 pm. Chair Rabbufo reviews the previous month's minutes, and ask's if anyone has any comments. Board Member Spata makes a request, that the minutes have paragraphs. There being no further comment, Board Member Kalb, makes a motion to accept the minutes from the previous month's meeting, Board Member Welton, second's the motion, all in favor.

**Communications:**

Next order of business, is communications. There is one communication this month, a letter regarding the Rail Explorers sent in by Susan Wayman resident of Andrew Lane. Chair Rabuffo read's aloud the email sent by Susan Wayman. Ms. Wayman approaches the board stating, she sent the letter on May 20<sup>th</sup> and no one had responded, so she sent the letter to the board, and that is why she is here tonight. She states her concern for the schedule of the rail bikes, and the night rides, which they have since withdrawn from doing so, she states

what will stop them from trying to do so, once their contract is renewed. Chair Rabuffo states the Rail Explorer's have withdrawn their new project, and do not plan on doing anything different. Ms. Wayman ask's what they plan on doing about the noise, since it is constant, and the residents directly affected by the rail bikes, do not get a break. She states she wants to be able to enjoy her home, and her space, as do all of the residents affected by the Rail Explorers. She states rubber wheels for the rail bikes, is a great option since their quieter, she states they are expensive, but given the money the rail explorers brought in last year, you can't tell me they cannot afford it. She ask's who is looking out for us, for the full-time residents, who is here to protect them. Chair Rabuffo states they have spoken to them, about the several points she has made, and that not everything is under the Board's control. Ms Wayman ask's who is in control of the decisions that are made, Board Member Kalb states, the County is. Ms. Wayman states its obvious the County does not care, she states he didn't even respond to her email she had previously sent, which is why she is here tonight to express her concern. Board Member Kalb states she thinks they should try and arrange a meeting at the town hall with the Ulster County Planning Board, and all of the neighbors who are directly affected by the rail bikes. Chair Rabuffo, and Board Member Kalb, state they will reach out to Robert Lebowitz , and the residents of Andrew Lane, and whomever else is affected by the rail explorers, and a meeting will be set up to discuss the concerns. Ms. Wayman thanks' the board.

**Old Business:** Chair Rabuffo states the next order of business is 203 Broad Street Hollow, for a special use permit for Durga Bernhard, at 203 Broad Street Hollow Rd. Board. Member Welton makes a motion to approve Ms. Bernhard's special use permit to convert her garage into an guest cottage for her daughter. Board Member Kalb second's the motion. Roll call vote as follows:

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

Chair Rabuffo states the next order of business is, 210 Muddy Brook, for Thomas Pelphrey, to convert his horse barn, into an accessory apartment, and ask's if anyone has any further comment. Board Member Kalb makes a motion to approve the application, from a horse barn, to an accessory apartment, Board Member Spata, second's the motion. Roll call as follows:

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

**Phoenicia Festival of the Voice:**

Chair Rabuffo states the next order of business, is the Festival of the Voice. Adam Turba architect representing the Festival of the Voice approaches the board. He states since the last time they presented to the board, they have since been working with Donna LaMoine the Town of Shandaken’s Building Inspector, to rectify a lot of the code violations, that were in place from last year. Mr. Turba states what they have obtained parking permission, from the church, and the only other exterior work they plan on doing, is changing the sign from the church sign, to a “small” Phoenicia Festival of the Voice sign. Mr. Turba states they will not be pursuing a larger occupation in the building anymore, they want to have a cultural facility use there. He states they just want to be a cultural facility, with the maximum amount of people being 49. He states as far as the parking if there ever needed to be additional, there is an agreement with the St. Francis de Sales Church to use their parking lot. He states they have put up exit signs, emergency lighting, changed the swing of doors. He states the only thing they are waiting on are panic hardware, which are back ordered. Board Member Welton asks about the capacity of people being 49, and how that was determined, she states it seems low for a church. Mr. Turba states, the number is based on the rehearsal space, and gathering space, not the entire church. He states money is an issue, they don’t have it to increase the egress, he states there’s only one proper means of egress from each space, and according to NYS Building code, you can do that for a small assembly space, as long as you have 49 people or less. He states they are asking for a reduced capacity so they can continue to operate. Chair Rabuffo ask’s if they still plan on doing concerts? Mr. Turba states, they are not planning on any, if there would be, they would be small and, it’s much more about rehearsals or workshops, such as the Phoenicia choir, they would like to bring back and continue doing things like that. He states its not going to be large concerts or anything of that nature. Board Member Spata ask’s Mr. Turba about the two floors in the space, and what’s the number of occupancies there. Mr. Turba states the idea is that the whole building, the full sanctuary and the lower floor will never be occupied by more than 49 people. Board Member Christie asks how will parking work, when the church is in service. Mr. Turba states they have an agreement with the church that they won’t have any services, where parking is needed when the church is in service. Chair Rabuffo read’s a written agreement between the Church of St. Francis De Sales and the Festival of the Voice, allowing them to use the space for parking. Board Member Kalb ask’s what the basement will be used for in the winter. Mr. Turba states that use has been removed from there, and there is no one currently renting the space. He states it’s an accessory use, and they want to make it a community space as needed, but there are no current plans to do anything down there.

Board Member Kalb goes over the Short Environmental Assessment Form for the Festival of the Voice. One correction Mr. Turba and the Board point out, on the check list is number three on the check list. The question is total acreage to be physically disturbed, was listed as .20, but it is actually 0, since none will be disturbed.

Chair Rabuffo goes over the Site Plan Checklist. Board Member Spata notes a correction on number 18 of the Site Plan checklist. Number 18 states designation of the amount of building area proposed for retail sales, office use, or similar commercial activity. Board Member Spata states that should be checked, because there's an office, and it's shown. Another correction made by Board Member Spata is number 21. Chair Rabuffo reads other elements integrated with proposed development as considered necessary by the planning board including the identification of any State or County permits required for a project's execution. Board Member Spata states that should be checked, and the letter the board has from Saint Francis De Sales is a necessary part. Chair Rabuffo states the only changes that they have are item 15, the signage, item 18, the amount of building area proposal retail sales, and number 21, other elements integrated with proposed development. Chair Rabuffo advises Mr. Turba to go over the checklist once more, resign and resubmit it.

Chair Rabuffo thanks Mr. Turba for making these changes, he states he thinks this is more in keeping with the character of the existing neighborhood. Board Member Kalb states on the plan, it states we would like to rent our basement for community, and small cultural activities, would that include the farmers market? Mr. Turba states as far as he knows, no, but it might. Board Member Kalb asks if that will impact the occupancy of 49 people in the building at one time. Mr. Turba states no, they will never have more than 49 people there, it won't be allowed. He states the farmers market, and any festival of the voice activity will not be happening at the same time. Board Member Christie asks if there are things still waiting to be done that the Building Inspector needs to see. Donna LaMoine the Town of Shandaken Building Inspector addresses the board. She states, she's been there a few times, and she saw all of the new door swings, that were done, as well as lighting, and emergency signs, the only item on back order is the panic hardware, she states they've made a good effort. Chair Rabuffo states a public hearing will be set on July 13<sup>th</sup> the next Planning Board Meeting, at 6:45.

**Other Buisness:**

Zoning Enforcement Officer Grace Grant states she has a potential applicant, who would like to start with an accessory apartment on their property, then build the main house, a few years down the road, and she wanted to make sure its not going to be a difficult thing for the Planning Board. She states they need to go through site plan approval or a special use permit. Board Member Christie states they have run into this before, and it's a problem,

because you can't have an accessory apartment to something that is not an accessory to something. Ms. Grant states she's trying to find a path for them, she states their concern is the cost of construction materials right now, is very high. So, they would like to start construction, but they would like to start with a smaller piece of project, and when the prices go down, they'll resume construction on a bigger house. Board Member Kalb states the Migliorelli farm stand on Route 28 is an accessory building to house that's in the back. A main building first has to exist, in order for there to be a structure to be called an accessory apartment.

**Adjournment:**

There being no further business before the Board, a motion was made to adjourn the meeting by Board Member Chrisite, seconded by Board Member Spata. All in favor. Meeting adjourned at 7:47 pm These minutes were prepared by the Planning Board Secretary Olivia Amantia