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**Town of Shandaken Planning Board
 Minutes for Regular Monthly Meeting
 January 10th, 2024**

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

Roll called by Secretary to the Planning Board Olivia Amantia, and attendance was recorded as follows:

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

Roll Call Summary: 6 Present, 1 Absent

Others Present: Zoning Enforcement Officer Grace Grant, Christina Davis, Kenneth Annello, Vicky Star

Minutes:

Acting Chair Spata asked for a motion to accept the minutes from the previous month's meeting, Board Member Kalb made a motion to accept the minutes with no corrections, Board Member Christie seconded the motion, all in favor.

Communications:

The Board received an email from Sophie Grant, of the housing smart task force. ZEO Grant states, the Housing Committee would like the members of the Planning Board to attend their next meeting, and which dates would work best for the Planning Board Members. Vicky Star, Big Indian Resident is one of the members of the new committee, and she states she would love for the Planning Board to be involved. She states one of their primary goals is to

address the housing shortage, and affordable housing in our area. She adds she would love if one or all the members can attend the next meeting.

Woodland Playhouse 25.1-1-2.100 Special Use Permit /Site Plan Review

The next order of business is Christina Davis of Woodland Playhouse. She recently purchased 5605 state route 28, to build a new Preschool/daycare center. Woodland Playhouse currently operates in the Phoenicia Plaza. The applicant was before the Board months ago and is here this evening to update the Board on the status of the project. She states the Board had asked her to comply with a few things before coming back. Since the last time she presented she has gotten the approved permit for the septic.

In addition to that the playgrounds they plan on adding to the new facility are less than 100 ft from the property line, she has submitted an application for area variance and is on the agenda for the upcoming Zoning Board of Appeals meeting.

She states there have been changes made regarding the road access and lighting. She states the new paperwork and plans here tonight reflect those changes, as well as a lighting schedule. She states the issue they have run into is, at the back of the property line there is a ditch that becomes a stream, and through the center of the property there is a stream as well. Therefore, they are dealing with a lot of setbacks and regulations and watershed requirements. She states they added more parking to the facility per request from the board, as well as making their road to the facility two lanes. The road will be wider, and they are staying under an acre of disturbance. She states last time she was before the Board there were questions about signage, the applicant would like to put a sign on the building, but does not have one to present this evening. The applicant states there would be sign on the building, not on Route 28, she's already spoke to the DOT about the location. In addition to that sign there will be another one on the building, the land is shared by state, where there is a trail, and they do not want any confusion, if individuals are hiking on the state land. ZEO Grant states next time the applicant is before the Board, they will need to know the design, size, and location. The applicant apologizes that the sign information was not on the site plan to present this evening.

ZEO Grant states the last time the applicant was before the Board in May, according to the minutes there were a few things the applicant needed to provide next time she was before the Board. Those included, a lighting schedule which is provided, and septic approval which she has gotten as well. In addition to those items, a letter from Naomi Umhey who also owns land adjacent to the property the applicant purchased, a letter stating the road easement. The land is under stone kill LLC. The applicant has a deeded 50 ft right of way. The applicant states, Naomi initially came to her and said she did not think they had a right of way, which the applicant shared a copy of the deed with her, the applicant states there was some miscommunication when she deeded the right of way which she deeded to the Town of

Shandaken, which she was not aware that it was deeded forever, and not just for the Town. The applicant states the way deeded right of ways work, is that even if she and I both agreed to remove it, you cannot remove a right of way. After the conversation the applicant had with Naomi Umhey, she received a letter from Mrs. Umhey's lawyer stating she could drive on it, but you can't do anything to improve it. After the applicant spoke to her lawyer she was advised to move forward. The applicant states she not only spoke to one, but two different lawyers who both advised her that she is in her legal rights of her right away agreement as deed to you from the Catskill water corp. She states she's already spent a lot of money with out a building permit. Board Member Christie states the entire Board is for this project, but he would feel more comfortable if there was a letter before them stating that what they are doing is legal and in her rights. Board Member Christie states a letter from Naomi Umhey stating the applicant is in her legal rights, the applicant states Mrs. Umhey will not give her a letter. ZEO Grant states we cannot require Mrs. Umhey to provide a letter, Board Member Christie disagrees. Board Member Christie states if there is a legal issue that is dependent on his judgment, it is necessary. Board Member Christie states it would be a good idea if the Town's attorney looked into this matter, for clarity on the easement and to write a letter pertaining to what is and what isn't allowable.

Acting chair Spata ask's if the applicant is buying the property, and the applicant states she has already bought it. The applicant states in August she had received emails from the building department stating she had gotten the approvals she was waiting for. Upon receiving those emails she also received a letter from Naomi Umhey's lawyer, which delayed the project. Board Member Kalb adds one of the other requirement's from the Board was a letter from Ted Byron of the Fire Dept, stating that emergency vehicles can access the site, and go over the culvert pipe. The applicant states Ted looked at the site and said it would be fine to access the property in emergency vehicles. When the applicant asked for a letter for the Board stating that, Mr. Byron stated he can no longer provide letters, due to a disagreement with a Town employee. Mr. Byron referred her to Richard Loveless the fire commissioner, and he told the applicant he could not provide her with one, since it is "not his job." The applicant states her civil engineer informed her that it is wide enough for emergency vehicles. Acting Chair Spata states that if a civil engineer can tell us that it meets the road capacity, that it can handle the weight , and that its wide enough if it's on a drawing stating that it should be sufficient.

Board Member Christie ask's if the road is still going to be 20 ft wide. The applicant and the Board discuss how many lanes the road plans on being, which is two lanes. Board Member Shiner ask's if the Board is going to ask the Town's attorney to give an opinion regarding the right of way. Board Member Shiner states not every right of way gives you permission to expand the right of way. The applicant states that she is not expanding the right of way. Board Member Shiner states if you are making it wider, you are expanding it. Acting Chair Spata states she is expanding the surface within the right of way. The applicant states the right of way is 50 ft therefore she is still less than 50 ft wide, she's expanding the existing surface that is already within the right of way , but she isn't expanding the right of way

beyond the parameters that it already is. Board Member Shiner states we should ask our lawyer to check that as well. There is a discussion amongst the Board whether or not the road is a private road, or if the right of way to the property is private or public. ZEO Grant the trail access on the property is a public right of way. ZEO Grant adds the vehicular access is specific to the applicants parcel and the people using it. The applicant states according to the DEC vehicular right of way, ends at the parking area, shown on the map of the property. The applicant adds that anybody who is on the land to use the trail head would be coming on foot from the parking area on the property. The applicant states there are two right of ways on the property, and her right of way is intended for vehicles. The applicant states there is a DEC right of way which dates back to 1915 or 1920, and that right of way, is intended for hunting, fishing, etc. The applicant states, her right of way is for ingress and egress. Board Member Welton asks about Fire numbers for the property and how they are being marked at route 28 with the access road. The answer is the numbers will be going on the utility pole. ZEO Grant states the Board needs to determine the SEQR status of this application, she feels its unlisted in her opinion, but the Board never made that decision. ZEO Grant adds the SEQR needs to be determined before a public hearing is set for the applicant at the next meeting. There is a discussion amongst the Board whether to set the public hearing at next month's meeting, or to wait until we have heard from all the lawyers involved in the project. The decision is to hold off on the public hearing, until we hear from the lawyers regarding the right of way.

Kenneth Anello 5.13-3-46 Special Use Permit

The next applicant on the agenda is Kenneth Anello, owner of Slide Mountain Motel, 5 Ruthenbeck rd. He is seeking an approval to get a building permit in order to do a 680 ft addition on the building. Mr. Anello states because he is in a highway business district he has to have the Board do a review. ZEO Grant states she would have set a sketch plan conference, but since the last Planning Board workshop was cancelled this was the first opportunity the applicant has had to speak with the Board. The proposed addition is 51 ft away from the boundary line, and 40 to 45 ft from the front of the building. The applicant occupies one of the units in the motel, and the addition will be on his existing space. It is a one story building, the addition will be providing the applicant with more space & a larger living room. He adds his current living space is roughly 800 sq ft, and he is adding another 780 sq ft. The Board determined the applicant does not need to come back for Site Plan review, he can proceed with a Building Permit.

Other Business:

There is a discussion amongst the Board about training. ZEO Grant states it is up to the Town Board to decide what qualifies as training that they will accept. ZEO Grant states she has asked the Town Board several times what they will accept and if they can provide the four hours that they require, and she is still waiting for a response from the Board. ZEO Grant

states she did ask Supervisor Disclafani to attend this evening's meeting, he was unable to attend. Board Member Welton states as a Board she suggests a four-hour session or two, two-hour sessions. Acting Chair Spata ask's Board Member Welton if she would speak to Dennis Doyle, she said she would be happy to speak to the Board and to Mr. Doyle. ZEO Grant states she can draft a letter to send to the Town Board in regards to training.

ZEO Grant adds that Board Member Christie was reappointed for another seven year term, Chair Rabuffo was reappointed as Planning Board Chair. ZEO Grant adds we did not appoint a new County Liaison during that meeting. The individuals who were offered the position did not get back to anyone regarding it. Board Member Welton states she felt it was unnecessary to do a reappointment because the County is perfectly fine with Sam and her continuing in their positions, with out being reappointed.

Old Business:

Adjournment:

Board Member Kalb made a motion to adjourn the meeting, Board Member Christie seconded, all in favor. The Meeting was adjourned at 8:20pm.

These minutes were prepared by the Planning Board Secretary Olivia Amantia