



*"The Heart of the Park... Where the Eagle Soars"*

[www.shandaken.us](http://www.shandaken.us)

Supervisor: (845) 688-7165

Police: (845) 688-9902

Town Clerk: (845) 688-5004

Justice Court: (845) 688-5005

Assessor: (845) 688-5003

Assessor Fax: (845) 688-5708

ZBA/ZEO/Planning: (845) 688-5008

Highway: (845) 688-9901

Fax: (845) 688-2041

P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

**Town of Shandaken Planning Board  
Public Hearing – William McGuinn – Subdivision  
Minutes July 10<sup>th</sup> 2024 6:45**

The public hearing was called to order with the pledge of allegiance at 6:54 pm.

Roll called by 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	Absent
Sam Spata	Present
Vivian Welton	Present

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

**Others Present:** Zoning Enforcement- Officer Grace Grant, William McGuinn, Carolle Huber, Don Brewer, John Schutz, Andrew Messinger, Geoff Rogers

**William McGuinn/Subdivision 4.46-3-9**

Legal Notice regarding the Public Hearing was read. Chair Rabuffo ask's the applicant if he would run through the project for the benefit of the Board and the public. Don Brewer is here this evening to represent the applicant. The applicant would like to subdivide the existing 22.24-acre parcel into 2 parcels. The applicant would like to subdivide the first cabin on his property just past the Belleayre Plaza. The site has its own septic and water shared with the existing house on the lot. Chair Rabuffo ask's the audience if there is anyone here this evening who would like to speak about this project. There are two individuals here this evening to speak about the project.

Andrew Messinger of Pine Hill, expressed his concern about the proximity of Mr. McGuinn's lot to the Belleayre Plaza. Mr. Messinger states he would hate to see someone buy this lot

and then use it as secondary access or expansion of the Belleayre Plaza. He also expressed his concerns about the water/septic use on the property.

Geoff Rogers of Pine Hill is also here this evening to speak about the project. He states he was concerned when he first heard of the project, since he lives on the same road where the subdivision is taking place. He states after looking at the map the subdivision will not affect his property, and the concerns he had previously he no longer has.

Chair Rabuffo states there is a spring on the property that is shared, that an easement is provided for, and the sewer is separate. With no further questions or comments about this application, Board Member Spata makes a motion to close the public hearing, seconded by Board Member Christie; all in favor.



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**Town of Shandaken Planning Board  
Public Hearing – Huber – Special Use Permit  
Minutes July 10<sup>th</sup> 2024**

Attendance remains the same:

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

Legal Notice regarding the Public Hearing is read. Chair Rabuffo asks the applicant to run through the project for the benefit of the Board and the public. Mrs. Huber has an existing house on the property, and they'd like to build a new house, and for the new house being built to be considered the main house. Both houses will be connected by a screened in porch. Mrs. Huber's family has had the land since 1983. There were several letters of support for Mrs. Huber pertaining to this project. With no further questions for the applicant or from the Board, Board Member Spata made a motion to close the public hearing, seconded by Board Member Welton; all in favor.



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## **Town of Shandaken Planning Board Minutes for Regular Monthly Meeting July 10<sup>th</sup> 2024**

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

Roll called by 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	Absent
Sam Spata	Present
Vivian Welton	Present

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

**Others Present:** Zoning Enforcement- Officer Grace Grant, Don Brewer William McGuinn, Carolle Huber, John Schutz, Andrew Messinger, Geoff Rogers

### **Minutes:**

Chair Rabuffo ask's if there are any questions or corrections to the minutes from last month's meeting. Board Member Spata made a motion to approve last month's meeting minutes, seconded by Board Member Welton; all in favor.

### **Communications:**

A letter was sent to the Board from local resident Donna Sender, who lives on River Rd near an active Planning Board applicant, who has an application in review.

## **Old Business:**

### William McGuinn - Subdivision

Chair Rabuffo asks the Board if they have any additional questions or comments for the applicant. With no further questions Board Member Spata makes a motion to approve the subdivision, seconded by Board Member Christie, roll call vote as follows:

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

### Huber – Special Use Permit

The Board looks over the updated SEAF, and ZEO Grant states we heard back from the Ulster County Planning Board, and they do not review accessory dwelling units. The Board determined this is a type 2 action negative declaration, and no further environmental review is needed. With no further questions or comments from the Board or for the application, Board Member Spata makes a motion to approve the special use permit/site plan approval, seconded by Board Member Welton, roll call vote as follows:

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

### APFU LLC – Special Use Permit/Site Plan Review

The applicant would like to construct a four-unit apartment building. Don Brewer is here this evening to represent the applicant with Natania Widensky as well. Ms. Widensky states that the DOH approved the septic they currently have for a two-family home. She states the DOH said a 2 family with four bedrooms or a 4-family home with two bedrooms can be approved. Chair Rabuffo ask's Mr. Brewer if the units were moved closer to the setback lines. Mr. Brewer states they are right at the setbacks. Mr. Brewer states he was curious if the parking for the proposed building could be under the power lines, he states he's already put in a

request to the electric company and the phone company, and is awaiting to hear from them. Mr. Brewer adds he drove around town, and checked out several areas where people park under power lines, in various places.

Board Member Welton ask's if there is a sidewalk? Mr. Brewer states there is a sidewalk in the front and the back of the building. There is a discussion amongst the Board and Mr. Brewer about the wetland on the property, and the distance to the septic field.

ZEO Grant states when you put the parcel into the national wetlands map layer on the NYS website the back end of the property, where the flat meets the toe of the slope. It comes up as a forested shrubbed national freshwater wetland. Chair Rabuffo states anything that shows up on the wetland mapper needs to be 100 ft away. Chair Rabuffo states both the structure and septic need to be 100 ft away from any wetland.

Chair Rabuffo ask's Mr. Brewer if they've provided a lighting plan for the project. Mr. Brewer has not provided a lighting plan this evening, Chair Rabuffo states the Board still needs to see a plan, as it was asked for at a previous meeting. Chair Rabuffo states screening needs to be addressed as well for the project. The proposed screening the applicant provided is trees, they need to be 25ft from the edge of route 28. It also cannot exceed 4ft in height, if the screening is further back from the state route, then the applicant is able to plant more trees/shrubs to their liking. ZEO Grant adds, if there is a row of plants, it is considered a fence, as defined by the zoning code. Mr. Brewer states to the Board that they will seek a wetland specialist to review the site. Chair Rabuffo states that the DEC will review it as well. Board Member Christie is requesting to see a full set of building plans, along with elevations at the next meeting. Natania Widensky states she feels the Board ask's her for new things at each meeting. Chair Rabuffo states the things which the Board are requiring, are items they've already requested at a previous meeting. Board Member Spata ask's the applicant if she is committed to a one-story building. The answer is yes, Board Member Welton ask's what was the reason for changing the building from two stories to one? The applicant states one story seemed to be a better fit. Board Member Spata ask's the applicant what the purpose is for the attic running across the length of the proposed building? The applicant states its purely for aesthetics. Board Member Spata also ask's if the existing trees in front of the building will stay as is, and not be cut down. The applicant does not plan on cutting down the trees.

Board Member Spata expresses his concern about this special use permit. The applicant received a variance from the zoning board of appeals, in order to construct 5 units. Board Member Spata states to be very clear it's an allowance, not a mandate, and the only Board that can approve it is this Board when we apply our discretion and take a look and see is this worthy for a special use permit. Board Member Spata states its housing which we do need, but is it potentially incompatible with other uses. Board Member Spata adds, he's concerned about the potential incompatibility because, in the code book section 116-39G reads; the character and appearance of the proposed use shall be in general harmony. Board Member

Spata adds, the one-story building is much more in general harmony. Board Member Spata states but, will it adversely affect the general welfare of the inhabitants of the town? Board Member Spata adds, he still believes that allowing four dwelling units on an R1.5 will set a precedent that will be harmful of the town. Board Member Spata adds he is concerned that we do not meet the requirements for a special use permit, 116-39.

Natania Widensky states isn't the town in need of housing? And housing that people can afford who live here. Board Member Spata states people who do, and don't live here need housing. People who work here need housing; Board Member Spata states he agrees but the people who do live here who have property in R1.5 districts are going to have to look very carefully at their neighbors and say the precedent has been set. Board Member Spata adds, that a multi-family dwelling unit can go on an R1.5, he adds housing is a good thing, but overdevelopment and too much density is a bad thing.

Chair Rabuffo states at the last meeting Mr. Widensky said I never said affordable housing. Natania Widesnky agrees yes but housing that is within a price range that people that work in the area can then live in. Chair Rabuffo states we cannot dictate what you'll charge for rent, and he agrees we do certainly need housing in our area. Board Member Christie states he asked Mr. Widensky at a previous meeting about affordable housing and he got very upset, and claimed he never said they would be affordable, but Board Member Christie points out, he did say they would be, in the beginning stages of this proposed project. Chair Rabuffo states that this falls under the category of an unlisted action, he adds he believes its not type one or two. Chair Rabuffo states this will have to go before the County, as well as a coordinated review before DEC and the DEP will be involved as well. Chair Rabuffo ask's Ms. Widensky if she's clear on the things that she needs to provide. What the Board needs to see at the next meeting is the site plan, parking, and for the trees/screening to be set back 25 ft, and a lighting plan.

### **New Business:**

#### John Schutz – 14.6-1-3 & 14.6-1-4 – Lot Line Revision

Mr. Schutz owns two abutting properties and would like to remove the lot line in the center of the lots. Chair Rabuffo states what the applicant would like to do is remove the center line, and it will be an improvement on the lot. It is a R3 in zoning, there is a new septic system, perk tests have been done, and the DEP will not allow a septic on 2 lots, therefore they will be merged. Board Member Christie states putting both of the lots together is a good thing, and makes it more conforming. With no further questions or comments from the Board, Board Member Spata makes a motion to approve the lot line adjustment, seconded by Board Member Welton, roll call vote as follows:

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

**Adjournment:**

With no further business before the board, Board Member Spata made a motion to adjourn the meeting, seconded by Board Member Christie; all in favor. Meeting was adjourned at 7:45.

These minutes were prepared by the Planning Board Secretary Olivia Amantia