



Supervisor: (845) 688-7165  
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*"The Heart of the Park... Where the Eagle Soars"*

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

**Town of Shandaken Planning Board  
 Public Hearing  
 APFU LLC Special Use Permit/Site Plan Review  
 October 9, 2024**

The Public Hearing was called to order with the pledge of allegiance at 6:45 pm.

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

Cliff Rabuffo, Chair	Present
Art Christie	Absent
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, Howard Widensky, Marjory Widensky, Don Brewer

Chair Rabuffo opens the public hearing at 6:45 for APFU LLC. After the legal notice is read, Chair Rabuffo ask's the applicant Mr. Widensky to give the Board and the public, a brief description of the project for the benefit of the public. Mr. Widensky is proposing a four until apartment building, all two bedrooms. The units will be 25 by 40, and it will be a one-story building. There will be entrances in the front and back of the building, and downward facing lighting. There are two people here this evening to speak in support of the project. Scott S, and Johnathan D. Scott and Jonathan are both tenants of Mr. Widensky, and had nothing but positive feedback about the project, and pertaining to Mr. Widensky as a great landlord, who takes care of the property, and the residents. Both individuals state how important it is for locals to have housing. There were several letters sent to the Board both for and against Mr. Widensky's project. Chair Rabuffo reads aloud the letters to the Board and audience. Chair Rabuffo ask's the Board if they have any questions for the applicant? With no questions or comments, Board Member Spata made a motion to close the public hearing, seconded by Board Member Kalb, all in favor. The public hearing was closed at 7:00.



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**Town of Shandaken Planning Board**  
**Public Hearing**  
**Alfred Heitkonig - Subdivision**  
**October 9, 2024**

Chair Rabuffo opens the Public Hearing at 7:00pm. Following the legal notice, Chair Rabuffo ask's Mr. Brewer to give a brief description of what the applicant would like to subdivide. The applicant would like to subdivide the existing 21.73-acre parcel into two parcels, the individual lot acreage would be; lot 1- 5 acres, and lot 2; 16.73 acres. There was a typo on the applicant's last name at the previous meeting on the maps, that has been corrected. Mr. Brewer states there still waiting to hear from the DOH regarding the perk tests, but doesn't think it'll be an issue. Mr. Brewer states there is an existing roadway, and they've asked if the Fire Dept could provide a letter stating that emergency vehicles and firetrucks can pass through. ZEO Grant informs the Board that the current Chief of the Phoenicia Fire District informed her that he has provided the regulations for driveways to the Board in the past and they should reference those materials.

Board Member Welton ask's how wide the applicant's road is? It is 14 ft wide. One section of the roadway is 50 ft, the other is 14 ft wide. Board Member Spata ask's how the applicant has a right of way if it's not for public use, and why isn't it a driveway? Mr. Brewer states that it's a strip of land that's 50 ft wide that goes with lot 2, lot 1 has the right to use any of that within 25 ft from the center line. Chair Rabuffo ask's Mr. Brewer for clarification regarding the lots, Chair Rabuffo states; lot two has access to 25 ft of lot one, and lot one has access to 25 ft of lot 2. Mr. Brewer states the applicant would like to build a house in the future on lot 2, there is currently no house on the parcel, and no well. Chair Rabuffo ask's Mr. Brewer what the spacing is on the contours? It is 20 ft. Chair Rabuffo read's aloud one letter that was sent in regarding the application. With no further questions or comments from the Board, Board Member Spata makes a motion to close the public hearing, seconded by Board Member Welton, all in favor. The public hearing was closed at 7:20.

**Town of Shandaken Planning Board**  
**Minutes for Regular Monthly Meeting**  
**September 9<sup>th</sup> ,2024**

Chair Rabuffo calls the regular monthly meeting to order with the pledge of allegiance at 7:20 pm.

**Minutes:**

Chair Rabuffo reviews the previous month's minutes, and asks if anyone has any comments. With no questions or comments, Board Member Welton makes a motion to approve the minutes, seconded by Board Member Spata; all in favor.

**Old Business:**

APFU LLC - 13.-2.112 - Special Use Permit/Site Plan Review

The first order of business on the agenda is APFU LLC. Chair Rabuffo states that the Board has received the Ulster County Planning Board's official recommendation. In the UCPB recommendation it states that the apartment building should not allow short-term rental, only long-term tenants, and that should be a part of the approval. The County states the applicant needs DOH and DOT approval, the applicant has both of them. Board Member Welton states that Mr. Widensky got many letters of support, stating how great he is at taking care of his tenants and maintain the building, and that they support the project due to our lack of housing in our area, and affordable housing. Board Member Welton ask's how will his housing be affordable? Mr. Widensky states they will not be rupco standards, & none of his apartment's meet rupco standards in terms of affordable housing. Mr. Widensky states his tenants are talking about what they can afford.

Chair Rabuffo asks about dumpsters on the property, Mr. Widensky states yes, they'll be in the back of the building, and they'll be bear proof. Chair Rabuffo states no storage of equipment or solar panels should be on the property. Chair Rabuffo ask's the applicant for the septic approval at the site, which the applicant has. Chair Rabuffo states that one of the letters sent in regarding the project mentioned the solar panels that are at the applicant's other property. Chair Rabuffo states he's aware that the solar panels are not a part or affiliated with the current application before them. Chair Rabuffo adds that he'd like to ensure that there won't be storage of equipment on this new site. Mr. Widensky states at the new site if there is a generator it will be behind the building, as well as propane tanks will be stored behind the building. Board Member Spata reads his own letter he provided this evening regarding the APFU LLC application. Board Member Spata has concerns about this project, and is not in favor of it. There is a discussion amongst the Board about the variances that the applicant received from the ZBA. Chair Rabuffo states they need to go through the negative declaration at this time. Chair Rabuffo goes through the questions on the neg deck, and declares no significant environmental impact. Motion to issue a Negative Decalaration

for the SEQRA review was made by Board Member Kalb, seconded by Board Member Shiner, roll call vote as follows:

Cliff Rabuffo Chair	Yes
Art Christie	Absent
Joanne Kalb	Yes
John Horn	Yes
Allen Shiner	Yes
Sam Spata	No
Vivian Welton	Yes

Motion approved.

Chair Rabuffo states he'd like to make a condition upon this approval of this application. Chair Rabuffo states; upon approval there will be no outdoor storage of equipment of any kind. Chair Rabuffo adds any waste disposal and equipment, generators, fuel storage all will be located behind the building, as well as no short-term rentals, only long-term housing. With no further questions or comments, Board Member Kalb makes a motion to approve the application, seconded by Board Member Shiner, roll call vote as follows:

Cliff Rabuffo Chair	Yes
Art Christie	Absent
Joanne Kalb	Yes
John Horn	Yes
Allen Shiner	Yes
Sam Spata	No
Vivian Welton	Yes

Motion approved.

Alfred Heitkonig - 25.11-1-22.310 - Subdivision

The next order of business is Alfred Heitkonig, for a subdivision. Don Brewer is here this evening to represent the applicant. The applicant would like to subdivide his 21.73-acre lot into 2 lots, one being 5 acres, and the other 16.73. Chair Rabuffo ask's Mr. Brewer if there is an existing house on the lot? Mr. Brewer states there is not, but an existing driveway. Board Member Kalb ask's what the zoning is? It is R3 and R 1.5. Mr. Brewer states the road will be part of the larger lot, and the smaller lot will have a right away. Mr. Brewer Chair Rabuffo mentions a perk test and that the septic is okay as well for the site. There is a discussion amongst the Board regarding whether the applicant has a driveway or a road, the Board reviews sub division road requirements at this time. Chair Rabuffo states they need to make sure that the lot is buildable. There is a discussion amongst the Board concerning frontage, and lot size and the road size. The lot is 50 ft but the road is 12 ft wide. After further

discussion Chair Rabuffo states that this application will need to go before the ZBA for a variance as this application applies to code section 116-19. Mr. Brewer states that each lot shouldn't need frontage. Board Member Kalb states the applicant will need ZBA approval. After further discussion amongst Mr. Brewer, and the Board, it's determined the applicant will need to go to the Zoning Board of Appeals, then come back to the Planning Board if the variance is approved.

**New Business:**

Leonardo Leone 5.4-1-21 Lot Line Adjustment

The final item on the agenda this evening is Leonardo Leone. Mr. Brewer is here this evening to represent the applicant. The parcel is the old catholic church on Route 28 in Shandaken. The parcel is 3 lots, the owner would like to combine the lots and make the church into a single-family residence. There is currently no septic or water on the site, the lot is too small for a septic, therefore all three lots must be combined. Mr. Brewer states that they will be erasing 2 middle lot lines, in order for a septic to be put on the site. Mr. Brewer states that the owner is improving the lot, and is creating a new lot, therefore making the lot closer to conforming to code. ZEO Grant adds, there is no issue of 'use' at this time, a single-family residence does not require a Planning Board application. With no further questions or comments, Board Member Kalb makes a motion to approve the lot line adjustment, seconded by Board Member Spata, roll call vote as follows:

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

Motion approved.

**Adjournment:**

There being no further business before the Board, Board Member Spata makes a motion to adjourn, seconded by Board Member Kalb, all in favor. The Board adjourned at 8:24pm. These minutes were prepared by the Planning Board Secretary Olivia Amantia