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**Town of Shandaken Planning Board
 Minutes for Public Hearings
 September 13th ,2023**

The regular monthly meeting was called to order with the pledge of allegiance at 7:15 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	Present
John Horn	Present
Allen Shiner	Present
Sam Spata	Present
Vivian Welton	Present

Roll Call Summary: 7 Present, 0 Absent

Others Present: Zoning Enforcement Officer Grace Grant, Building Inspector Donna LeMoine, Supervisor Peter Disclafani, Kevin VanBlarcum Deputy Supervisor, Tariq Gujar, Mike North, Hilary Smith, Andrew Messinger, Mary Hermann, Durga Bernhard, Joyce Greenburg, Dave Channon, Karen Charman

Minutes: Chair Rabuffo opens the public hearing at 6:49 for Aero Star Petroleum for a Special Use Permit. Planning Board secretary Olivia Amantia, reads aloud the Legal Notice, for the public hearing. Chair Rabuffo ask's if we received any additional comments regarding this project. Apart from the individuals who signed up to speak this evening, there are two emails read aloud to the Board and the public, with concerns regarding this project. Correspondence has been attached to these minutes. At this time anyone who has signed up to speak, will be called in the order which they have signed up, to voice their opinion regarding the project.

The first person to speak is Hilary Smith a Fox Hollow resident. Ms. Smith has concerns regarding the zoning for this project, and feels a variance regarding the setbacks is required.

The next person to speak is Andrew Messinger a Pine Hill resident. Mr. Messinger also voices his concerns regarding the setbacks, and feels this project may need to go to the Zoning Board of Appeals as well.

Mary Hermann resident of Pine Hill has concerns about the Dunkin Donuts affecting the character of Pine Hill. Mrs. Herman also expresses frustration over the public being unable to view plans online, as well as concerns of the potential increase in traffic, especially during ski season. The Board advised the public during this meeting, and the previous meeting, in order to view plans, one would need to come to the Town Hall and ask.

Durga Bernhard Broad Street Hollow resident spoke regarding her concerns with people eating sugar filled, and fast food.

Joyce Greenburg of Highmount, expresses her concerns regarding traffic.

Code Enforcement Officer LeMoine states she would like to point out that the existing Bellayre Plaza is pre-existing and non-conforming, and does not require to go to the Zoning Board of Appeals. CEO LeMoine also states how the building is in very poor condition and this is a positive thing for the community. She also states it is not up to us, to choose what goes in place of the building.

Board Member Spata makes a motion to close the public hearing, seconded by Board Member Shiner, all in favor.

**Town of Shandaken Planning Board
Minutes for Regular Monthly Meeting
September 13th ,2023**

Chair Rabuffo calls the regular monthly meeting to order with the pledge of allegiance at 7:15 pm. Chair Rabuffo reviews the previous month's minutes, and asks if anyone has any comments. With no questions or comments, Board Member Spata makes a motion to approve the minutes, seconded by Board Member Kalb, all in favor.

Communications:

The Board received a letter from local resident Molly Holm, of Andrew Lane, regarding the Rail Explorer's pertaining to their late-night runs, and their ongoing concerns that her and other locals feel have not been addressed.

Old Business:

Aero Star Petroleum

Chair Rabuffo goes over the Ulster County Planning Board's referral for Aero Star Petroleum. The UCPB had several recommendations regarding the current site plan. Chair Rabuffo read the UCPB recommendations to the Board and the audience. The UCPB correspondence is attached to these minutes. Chair Rabuffo discusses what needs to be changed or altered on the site plan, with the applicant and the Board, based on their recommendations. The UCPB would like Aero Star to revise the site plan and resubmit to the UCPB, once modifications are made. Chair Rabuffo also reads the UCPB accident report from the past four years. Chair Rabuffo points out that not all accidents that have occurred near the Plaza, were related to individuals stopping or leaving the plaza.

Mike North engineer for Aero Star Petroleum, speaks about the UCPB comments, and states he is surprised to hear these comments, he states he attended the UCPB meeting, but was not prepared to speak. He states he was disappointed how they handled the meeting; he states he has worked with the Ulster County Planning Board for over forty years. He felt it was unprofessional that they were unable to read the drawings he provided. One of the UCPB recommendations was that the drive thru was not big enough and there was not a bypass lane, when it in fact is, it is 25 ft, it was made that big for a reason. Mr. North states he did not write bypass lane on the plan, and will revise it. Another one of their recommendations was pertaining to the lights, he states as shown on the plans it is LED lighting, down lights, and dark sky compliant. Mr. North states he has done dozens of special use permits, he also had the stacking of the cars for the drive thru showing how many cars will fit, on the plan as well. He also adds the parking lot is very large, which will prevent anyone from backing onto route 28. The site is half an acre, and the state owns a portion of the land as well.

Board Member Shiner advises the applicant to revise the site plan and add the UCPB recommendations to it. Board Member Spata adds the UCPB is asking for more than is required of the applicant, and all they are required is to do what is asked of the Town code. Another note the UCPB made was that electric charging stations be added to the site plan, which is not a requirement. Board Member Spata states the updated plan should show the bypass lane for the drive thru as well. Mr. North presents the Board the updated site plan. The Board and Mr. North discuss the stacking of the cars in the drive thru, Chair Rabuffo

ask's what is a standard que, the answer is twelve, based off a study. In addition to the drive thru, an individual may also park in the parking lot and enter the Dunkin, it is not just a drive thru. The Board Members discuss how many cars will be in the drive thru, and mention not a single drive thru in Ulster County has more than twelve cars fitting, with out the risk of spilling into the parking lot. Chair Rabuffo states he understands the concerns, to use common sense, and that every parking lot has cross traffic.

There is a discussion during several outbursts from the audience, regarding the delivery of both fuel, and Dunkin Donuts. One audience member stated the donuts would be delivered on a tractor trailer, and that may interfere with fuel deliveries. The applicant stated, he has never seen Dunkin Donuts being delivered on a tractor trailer, they come by a box truck, or a smaller truck. In terms of fuel deliveries crossing the path of any donut deliveries, the applicant assured that would not happen, since he owns the fuel trucks that make the deliveries.

There is a discussion amongst the Board Members regarding the Ulster County Planning Board's comments regarding this project. The Board discusses not having enough time to review the UCPB comment's pertaining to this project. They felt there was not enough time for all members to discuss and review the Ulster County Planning Board's comments before the meeting. Usually there is more then 24 hours for the Members to review any comments from other agencies. The Planning Board Members received their comments one day before the meeting. The Board states that the new plan should include the retaining wall. Chair Rabuffo states the Board will need updated maps prior to the next meeting. Board Member Spata states their will be no action until we receive revised plans. Board Member Christie adds the applicant needs to go through Ulster County Planning Board recommendations and make modifications based on their comments.

With no other business to discuss, Board Member Shiner makes a motion to adjourn, seconded by Board Member Spata, all in favor. The Board adjourned at 8:09.

Other Business:

Adjournment:

There being no further business before the Board, a motion was made to adjourn the meeting by Board Member Christie, 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