

**Town of Shandaken
County of Ulster
State of New York**

The Town of Shandaken Town Board conducted a Public Hearing & Special Meeting on Monday October 16, 2017 at 1pm. Shandaken Town Hall. 7209 Rt. 28 Shandaken, NY

**Call to Order
Pledge of Allegiance
Roll Call**

**Members Present Robert Stanley – Supervisor
Gael Alba - Board Member
Peter DiSclafani – Board Member
Tim Malloy – Board Member
Faye Storms – Board Member**

Recording Secretary Joyce Grant - Town Clerk

The Town of Shandaken Town Board foresees the possible need of exceeding the

NYS Tax Cap within its 2018 Budget; and, has business to attend to regarding a Change to Parcels Zoning – Rte. 28 Big Indian.

SBL# 12.7-2-7.141 & 7.200 to wholly R5.

The Town of Shandaken Town Board does hereby call for a Public Hearing on the Tax Cap

Issue and Change to Parcels - Zoning, to be held **Monday October 16, 2017 - 1 pm at the Shandaken**

Town Hall, 7209 Route 28, Shandaken, NY to hear all those in favor and against such actions.

By order of the Shandaken Town Board. 10/2/2017

Public Comments on Resolutions

Kathy Nolan, Anique Taylor, Ruth Dunleavy – concerned over the zoning change.

Harry Jameson, Chuck Perez, John Micholotti, Gary Gales, Martie Gales, spoke in favor of the zoning change.

Ian Cruickshank (owner of land asking for zoning change), clarified for the board what business he will be operating there. “Rope Based Challenge Course in the woods, Climbing, ropes, ladders, zip line” overall on 4-5 acres of his owned 9 acres.

At 2:10 pm the Town Bd. Closed the public hearing on a Malloy/Storms Motion. At 2:13 the Town Board unanimously voted to close the meeting on a Storms/Alba motions

**ADOPTING TOWN OF SHANDAKEN LOCAL LAW #1 OF 2017 –
A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C**

WHEREAS, the Town of Shandaken foresees the necessity to exceed the Tax Levy Limit established in General Municipal Law § 3-C; and

WHEREAS, the Town of Shandaken Town Board held a Public Hearing on Thursday, October 16, 2017 at the Shandaken Town Hall to hear all those in favor and against the adoption of said law in accordance with General Municipal Law; and

THEREFORE BE IT RESOLVED that the Town of Shandaken Town Board does hereby adopt Local Law #1 of 2017 in order to allow the Town to exceed the Tax Levy Limit imposed for the 2018 Fiscal Year Budget for the Town of Shandaken.

AND MOVES ITS ADOPTION

Seconded by: MALLOY

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<u> </u>	<u> X </u>
BOARD MEMBER MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

**LOCAL LAW NO 1 OF THE YEAR 2017
TOWN OF SHANDAKEN, COUNTY OF ULSTER**

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Shandaken pursuant to General Municipal Law § 3-c, and to allow the Town of Shandaken to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Shandaken, County of Ulster is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

**TABLED – FORWARDED to Shandaken Planning Board
RESOLUTION #121 - 17**

OFFERED BY:

**RESOLUTION OF THE TOWN OF SHANDAKEN TOWN BOARD
DETERMINING NO ADVERSE IMPACTS ON THE ENVIRONMENT
FOR LOCAL LAW #2 OF 2017**

WHEREAS, the Town of Shandaken Town Board is in consideration of adopting Town of Shandaken Local Law #2 amending the Zoning Map for the Town in the Hamlet of Big Indian, NY; and

THEREFORE BE IT RESOLVED that the Town of Shandaken Town Board has determined that the approval of the Town of Shandaken Local Law # 2 of 2017 will not have significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to take such further steps as necessary to discharge the Board’s responsibility as lead agency for this action including but not limited to the issuance of a negative declaration consistent with this resolution.

AND MOVES ITS ADOPTION

Seconded by:

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	_____	_____
BOARD MEMBER DISCLAFANI	_____	_____
BOARD MEMBER MALLOY	_____	_____

BOARD MEMBER STORMS _____

SUPERVISOR STANLEY _____

TOWN OF SHANDAKEN LOCAL LAW NO. 2 OF 2017
ZONING MAP AMENDMENT – BIG INDIAN, NY

BE IT ENACTED by the Town Board of the Town of Shandaken as follows:

INTENT

It is the intent of this Local Law to amend the existing Zoning Law of the Town of Shandaken relating to the Town of Shandaken Zoning Map and specifically 2 parcels in the Hamlet of Big Indian, NY.

PURPOSE

The purpose of this law is to amend the zoning map for the Town of Shandaken and change the designation of two (2) parcels along the south side of NYS Route 28 in the Hamlet of Big Indian, Town of Shandaken, NY designated partially R1.5 and R5 to completely R5 which is consistent with activities and character existing on those parcels.

The Town Planning board has recognized a need to make these parcels whole expanding their existing zoning district along Route 28 in Big Indian. Specifically that this action would help preserve larger lot sizes along Route 28 and provide opportunities for economic advancement beneficial for that immediate community and the Town at large.

SUPPORTING DOCUMENTS

1) Excerpts from the Town of Shandaken Comprehensive Plan:

- a. **Section III: Future; A-2: Land Use and Development** - While property owners do have the right to develop their properties, communities can consider development regulations related to type, density, building materials used and styles that are consistent with the vision of the community and compatible with the surrounding environment.
- b. **Section III: Future; B-Vision & Goals: B. Promote the economic development of the Town of Shandaken to ensure an acceptable standard of living for its residents – BULLET 1:** Economic development decisions will be guided by the desire to achieve a balance between environmental protection, quality of life and employment opportunities for community residents.
- c. **Section III: Future; B-Vision & Goals: B. Promote the economic development of the Town of Shandaken to ensure an acceptable standard of living for its residents - BULLET 4:** Promote business activities, which do not negatively impact natural resources or the environment.
- d. **Section III: Future; B-Vision & Goals: C. Provide programs and laws to guide future development towards desired patterns within the Town of Shandaken – BULLET 1:** Establish a development pattern utilizing land use regulations, public investment strategies and other means that are consistent with environmental constraints and opportunities, balance the socio-economic needs of the community and respectful of existing or historical land use patterns.
- e. **Section III: Future; B-Vision & Goals: C. Provide programs and laws to guide future development towards desired patterns within the Town of Shandaken – BULLET 2:** Employ the Town's Land Use Plan, Zoning Law and Subdivision Regulations to reflect desired traditional development locations, quality and patterns of concentrated hamlets separated by low-density open

areas. Existing hamlets should be revitalized and the distinct character of each identified and promoted.

- f. **Section III: Future; B-Vision & Goals: C: Provide programs and laws to guide future development towards desired patterns within the Town of Shandaken – BULLET 3:** Development regulations should be flexible enough to accommodate specific development circumstances, without jeopardizing the development patterns outlines in this Plan. Incentives could be provided to developers who contribute desired types and sizes of development, protect important natural or man-made features.

 - g. **Section III: Future; B-Vision & Goals: C: Provide programs and laws to guide future development towards desired patterns within the Town of Shandaken – BULLET 4:** Develop a means to support tourism in the area that includes encouraging government and non-profits, businesses and the facilities themselves to better plan, coordinate and expand tourism-related activities.
- 2) Letter of Recommendation for Action and Map from the Town of Shandaken Planning Board Chair, Mr. Donald Brewer, dated August 28, 2017 (attached hereto as *Appendix A*)
- 3) Comments from Ulster County Planning Department (once received) (Attached as *Appendix B*)

ENUMERATION

LOTS TO BE AMENDED AS REPRESENTED ON ULSTER COUNTY TAX MAP:

Tax Map: 12.7
Block: 2
Whole Lots: 7.141, 7.200

APPENDIX A

TOWN OF SHANDAKEN LOCAL LAW NO. 2 OF 2017 **ZONING MAP AMENDMENT – BIG INDIAN, NY**

- **Planning Board Letter of Recommended Action(s)**
- **Tax Map (Area of Change Highlighted)**

Documents Attached



www.shandaken.us

Supervisor: (845) 688-5000
Police: (845) 688-5000
Fire: (845) 688-5000
Garage: (845) 688-5000
Assessor: (845) 688-5000
ZBA/ZEO Planning: (845) 688-5008
Highway: (845) 688-5000
Fax: (845) 688-5000

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

August 28, 2017

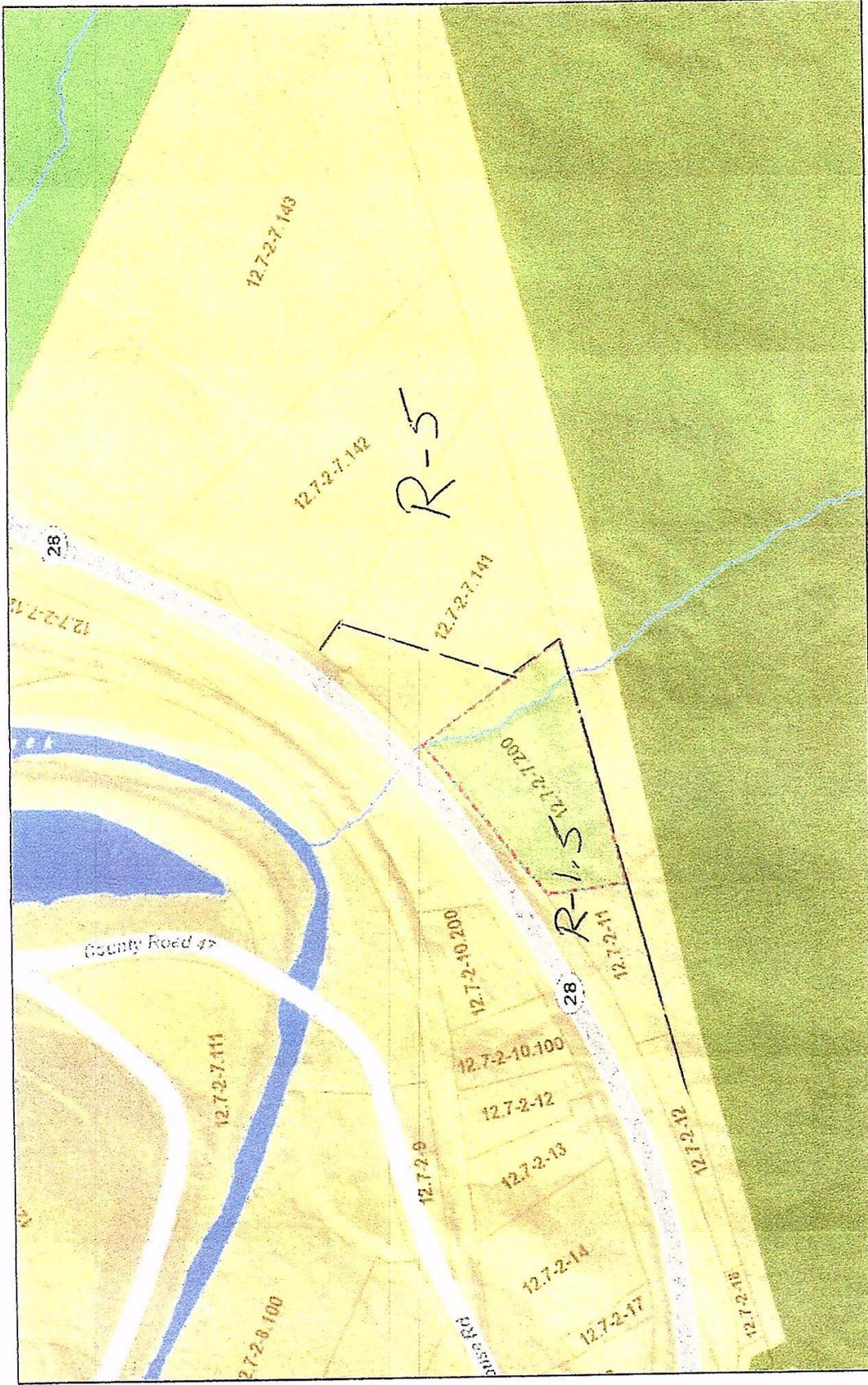
To Shandaken Town Board Members,

The Shandaken Planning Board has been reviewing the proposal of moving the zoning boundary line along Route 28, Big Indian. Currently the parcels are zoned both R1.5 and R5. The Board has taken into consideration the history, the needs and the future outlook of this community and would like to make the following recommendation: that the lots represented on the Ulster County tax map 12.7-2-7.141 & 7.200 are changed so the entire parcels are in an R5 zoning district.

Regards,


Don Brewer, PB Chairman

Ulster County Parcel Viewer



October 2, 2017

polygonLayer

polygonLayer

Override 1

Override 1

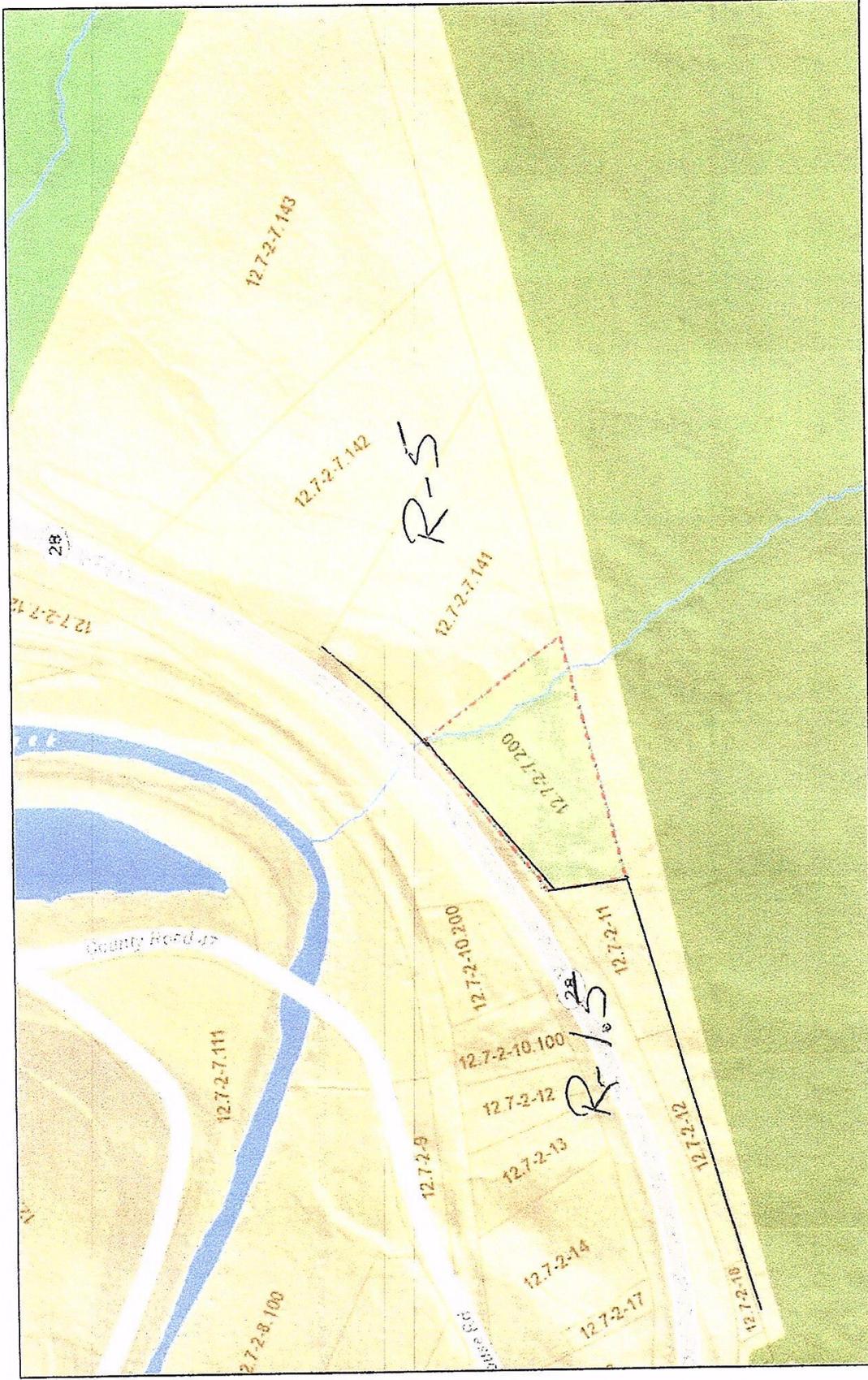
1:5,149

0 0.0425 0.085 0.17 mi

0 0.05 0.1 0.2 km

BEFORE Change

Ulster County Parcel Viewer



October 2, 2017

1:5,149

polygonLayer Override 1

0 0.0425 0.085 0.1 0.17 mi
0 0.05 0.1 0.2 km

After Change

APPENDIX B

TOWN OF SHANDAKEN LOCAL LAW NO. 2 OF 2017

ZONING MAP AMENDMENT – BIG INDIAN, NY

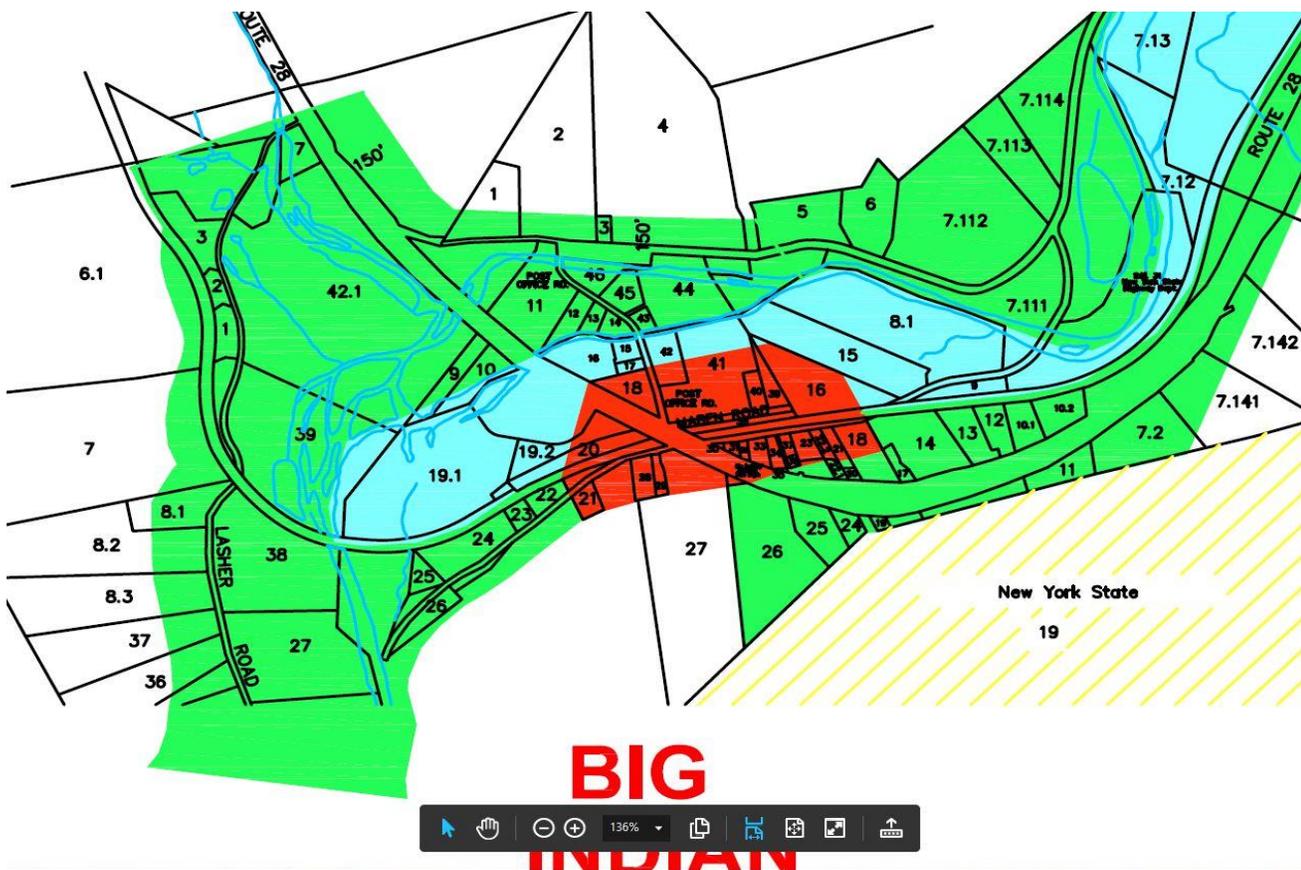
- **Ulster County Planning Board Notice of Recommended Action(s)**

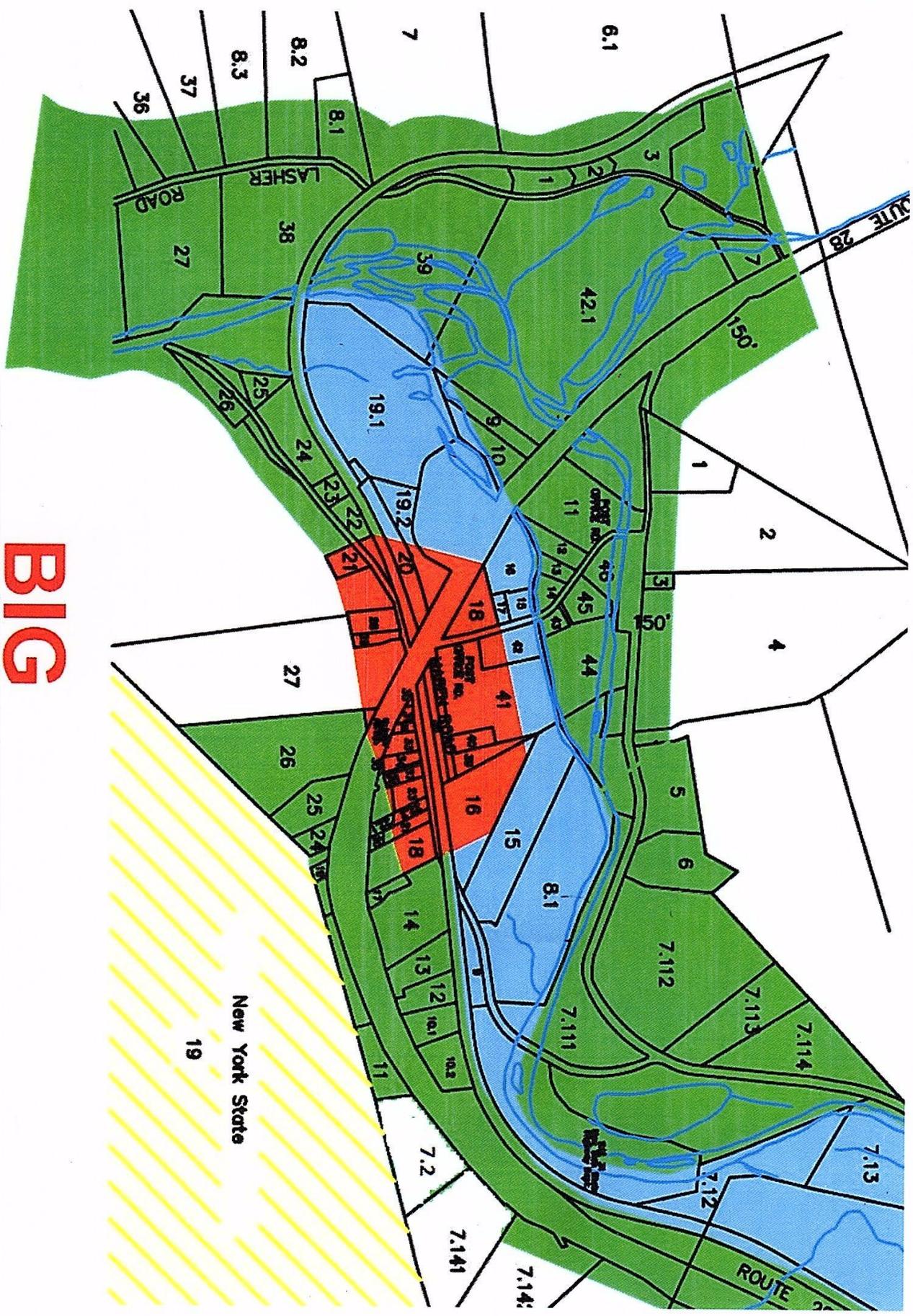
Document Attached

APPENDIX C
TOWN OF SHANDAKEN LOCAL LAW NO. 2 OF 2017
ZONING MAP AMENDMENT – BIG INDIAN, NY

- Short Environmental Assessment Form (SEQR)
- Certified Town Board Adopting Resolution

Document Attached





BIG

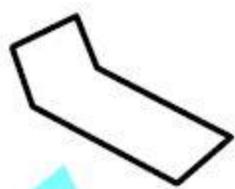
INDIAN

New York State

19



LEGEND



R5



R3



R1.5



HC



HR



HB



CLI



NY STATE
LAND



NY CITY LAND
or EASEMENT