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

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**Town of Shandaken Planning Board
 Minutes for Regular Monthly Meeting
 March 10, 2021**

The regular monthly meeting was called to order with the pledge of allegiance at 7:04pm.

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

Cliff Rabuffo, Chair	Present
Art Christie	Present
Joanne Kalb	Present
John Horn	Present
Allen Shiner	Present (via msteams meet)
Sam Spata	Present
Vivian Welton	Present

Roll Call Summary: 7 Present, 0 Absent

Others Present: Howie McGowan (CEO,) John Schoonmaker Crossroads Venture LLC, Allan Dumas and Matt Moss Firelight, Nick Harris Norsdale. Via msteams: Ellen Hart, Mark Moriello, Marc Carabetta, for SLR, Luke Interrante for Aurum, Jennifer Preston, Pedros Marmolejos connor Stedman, Micheal Moriello, Bobby Frisch for Firelight.

Minutes:

Motion was made by Board Member Kalb to accept the minutes from the previous meeting as written, seconded by Board Member Welton. All in favor.

Communications:

The Board is in receipt of an email from Brent Gotch regarding training opportunities.

Old Business:

Crossroads/Belleayre Resort at Catskill Park

Crossroads/Belleayre Resort is represented in person by Jack Shoonmaker. Chair Rabuffo states that Crossroads/Belleayre Resort at Catskill park has been unable to do any work and they are requesting an extension on the Special Use Permit and Site Plan Approval for a period of one year. Chair Rabuffo requests the board to make a motion for a resolution. Board member Kalb makes a motion to allow an extension for a period of one year for the special permit application. Board member Christie seconds the motion. Roll call vote as follows:

Cliff Rabuffo Yes
Art Christie Yes
Joanne Kalb Yes
John Horn Yes
Allen Shiner Yes
Sam Spata Yes via msteams
Vivian Welton Yes

Motioned Accepted.

Firelight

Matt Moss applicant for Firelight, along with Allan Dumas present a signage plan, elevation, renderings of buildings, architectural, and landscape plans to share for initial feedback prior to next week when they will submit a full plan of drawings. The rest of their design team is present via msteams. Matt Moss states that given feedback in the previous workshop with the board that they have moved some of the campsites back from the original location ten feet, and in some cases fifteen feet. Allan Dumas continues to show the current architectural drawings for the site. Matt Moss says aside from moving campsites back the plan is very similar to the original plan submitted to the board. They both continue to go thru the drawings showcasing the landscape, lighting plan, engineering details, buildings, lobby tent, event tent, support tent, and lodging sites. The board asks only a few questions in regard to this unofficial site plan. Board member Kalb asks how an emergency vehicle will be able to access each tent. To which Allan Dumas says they own a golf cart with full size stretcher on back, or certainly any emergency vehicle will have access to walking path because it is wide enough. Board member Horn asks which part of the year they will be open. Matt Moss answers May thru October. When phase two is presented by Matt Moss and Allan Dumas they go over the event tent and support tent. They state these tents offer no food service or do any cooking. Board member Christie asks if the event tent is full as well as sites what is capacity? To which the answer from Matt Moss is 200 for event and the tent sites are 226. He states that there is no intention of throwing separate events in regard

to the people staying. He also states Firelight intends on employing 50 people for the season, and having 3-5 staff year round. Allan Dumas shows on this site plan is the entrance has moved 60 ft south of current entrance. Matt Moss states they have been in discussion with their neighbors across the street, and they will be within 135 ft of their entrance to avoid conflict. County has given them feedback that there will be no off set needed. Matt Moss continues to say that they are submitting the updated EAF, and submitting the full site plan next week. Board member Welton asks purposed opening? To which Matt Moss answers May 2022. Ellen Hart of SLR requests that along with their official submission of site plan that they include the comment letter that was circulated to them on January 7th, 2021.

Aurum

Luke Interrante via msteams applicant for Aurum project informs the board that he is hoping to hear back from the other agencies in review to their prior submissions. He states two requests for the planning board. One being the board refers the project to county board before they make a SEQR review. His second request for the planning board is to have a public hearing under the SEQR guidelines. Stating that it would help to get some feedback and keep the ball rolling. Ellen Hart asks if lead agency was circulated for the planning board. Luke Interrante confirms that yes it was done. He states that Ulster county board and the Board of Health are in receipt of the circulated packet. Ellen asks for that confirmation and the dates of receipt be forwarded to her. Ellen proceeds to explain that issues with SEQR process come up quit often in terms of public hearing. To which she explains the board can hold a public hearing for the SEQR process or they can hold a public hearing after the SEQR process is complete for the site plan review. She continues to explain that there can be a public hearing for both, but the public hearing for site plan review can't take place until the SEQR process is complete and a neg dec has been made. Luke Interrante continues to request a SEQR public hearing from the board to help them gage any public concerns or comments which could then be rolled into their site plan. Board member Weston makes a motion to have a SEQR public hearing at the next monthly planning board meeting. Board member Spata seconds the motion. Roll call vote as follows:

Cliff Rabuffo Yes
Art Christie Yes
Joanne Kalb Yes
John Horn Yes
Allen Shiner Yes
Sam Spata Yes via msteams
Vivian Welton Yes

Motion Accepted. Chair Rabuffo sets the public hearing time for 7pm April 14, 2021

Norsdale

The board is in receipt of an application for special use permit submitted by Nick Harris/Norsdale LLC. The applicant is requesting special permit to operate a nine room short term rental in his house and in the pre existing motel structure. Board member Shiner requests clarification to the necessity for the board to issue a special permit on this applicant since they had renovated a pre- existing structure. Board member Kalb responds that it was a home prior. Board member Shiner proceeds to say that the applicant was issued a building permit by our zoning and building enforcer. Board member Shiner continues to pose the question why did CEO Mcgowan grant a building permit to a motel if its not a motel. Board member Shiner states that the building permit issued was to repair existing four motel units. Board member Shiner also points out that the tax record should show that the owner has probably been paying taxes as well on an existing motel structure. Board member Shiner states there are other structures in our town that are fixed up and opened and he doesn't understand why this is any different. CEO Mcgowan states he issued the building permit under the guidelines that a site plan review would need to be issued. Board member Kalb states that the structure wasn't in use for many many years. Board member Shiner points out and questions out and questions again that restaurants have re-opened after not being used for many years and the town has done nothing about it, but the board has to make an acception for this applicant, and make them apply for a site plan revision? Board member Shiner comments that he feels the applicant is pre- existing, and he bets if we look at the tax records the applicant has been paying taxes for the motel. CEO Mcgowan states that the applicant has every right to fix a structure on their property. But they are taking the chance that they may not be issued a special use/site plan revision permit. Board member Shiner says he doesn't see it that way. To which CEO Mcgowan states that special use permit/site plan revision permit is required in every zone in The Town of Shandaken for a motel hotel or inn. Board member Shiner interrupts to say "unless it is pre existing". CEO Mcgowan agrees it was pre-existing and non-conforming, however it wasn't in use for many many years. CEO Mcgowan also points out the applicant wants to change the existing residential home into motel which would be a change of use permit going from residential property to a motel. CEO Mcgowan reiterates he advised them of this process after board member Shiner asks again why the applicant was given a building permit before a special use permit was given.

The applicant Nick Harris asks to speak and comment and states their contractor was advised by the CEO Mcgowan, however their contractor never advised them. Nick states since they weren't aware of this issue until they went to obtain the certificate of occupancy. Chair Rabuffo states the applicant is here to open the property as a motel. Nick then states that the entire property will operate as an Airbnb, and no one will live in the house. Nick continues to say they do not want to operate as motel. Board member Shiner asks how many properties in this town are an Airbnb that have never come to the board for a special use permit/site plan application. To which the entire board and CEO Mcgowan unanimously respond "all of them". The question is raised by board member Kalb for CEO Mcgowan as to where the short term rental committee is in regard to presenting to the town? CEO Mcgowan states he thinks it is on the next town board agenda, and after that will be presented to the planning board and zoning board of appeals, and then up for public

hearings. Chair Rabuffo states that they are unable to issue a permit for a short term rental at this point, however are able to consider issuing a special use permit for a motel. To which Nick the applicant responds that is not how they wish to operate and they only want to be an Airbnb. The board concludes their discussion with the applicant, because they cannot issue such permit at this time. The board suggests the applicant follow up with CEO McGowan for a certificate of occupancy on the building permit they have on file at the town office.

Executive Session

The board goes into executive session at 848pm and have only planning board members present. Everyone else is excused and taping of planning board meeting stops.

At 928pm Chair Rabuffo announces the board is back in the regular monthly meeting, and their executive session was to discuss personnel issues within the town and the board. As well as Roberts Rule of Order and the Master Plan. Chair Rabuffo states they have come to a satisfactory place with their discussion.

Adjournment:

There being no further business before the Board, a motion was made to adjourn the regular monthly planning board meeting by board member Christie. Board member Kalb seconds the motion. All in favor of yes was made to end the March 10th monthly planning board of The Town of Shandaken at 929pm.