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**Town of Shandaken Planning Board
 Minutes for Public Hearings
 May 10, 2023**

The Public Hearing was called to order with the pledge of allegiance at 6:50pm.

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 1 late arrival

Others Present: Zoning Enforcement Officer Grace Grant, Alison Smith, Don Brewer, Christina Davis, Jim Fish LOJ Architecture, Bob Kalb

Minutes: Chair Rabuffo opens the public hearing at 6:50, for Alison Smith for a Special Use Permit. Chair Rabuffo asks for the legal notice to be read, by Planning Board Secretary Amantia. Chair Rabuffo ask's if the Board Members or if the public have any comments. The Board feels they discussed this project thoroughly at the previous meeting, and workshop. With no further comments, Board Member Spata made a motion to close the Public Hearing, seconded by Board Member Christie.

**Town of Shandaken Planning Board
 Minutes for Regular Monthly Meeting May 10th, 2023**

Chair Rabuffo calls the regular monthly meeting to order at 7:00 pm. Secretary Amantia takes attendance, with 6 board members present, & one late arrival. Chair Rabuffo reviews the previous month's minutes, and ask's if anyone has any comments, or corrections, there being none, Board Member Christie, makes a motion to approve the minutes as written, Board Member Spata, seconded, all in favor.

Old Business:

Chair Rabuffo states the first order of business, is Alison Smith, for a Special Use Permit. Chair Rabuffo ask's the applicant to summarize , what she would like to do. Ms. Smith would like to rent bicycles to tourists, and locals in the Pine Hill area. She will be delivering the bicycles herself to Pine Hill, and the bicycles will be stored at her home. Chair Rabuffo ask's if the Board, or if anyone in the audience has any comments on this project, there are none. Board Member Spata makes a motion to approve the Special Use Permit, for a class II Home Occupation seconded by Board Member Welton. Roll call vote as follows;

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

The next order of business on the agenda is Paul and Matthew Borner for a lot line adjustment. Don Brewer is here tonight to represent them. Mr. Brewer states one of the issues is there is a garage that is over the property line. Mr. Brewer also states NYSEG has informed him that the electric meter needs to be on the property that it serves. The applicant's would like to include an electric meter in lot 3 to service the parcel to correct a structure overlap with lot 4 ,as shown on the map. Doing so will comply with zoning standards. Board Member Spata ask's why change the lot? Mr. Brewer states the utility pole is on a small triangle on the land shown on the map. Mr. Brewer states the garage, and electric meter are included on lot 3. In order to do so the property lines needed to be shifted around to make sure that no acreage is being lost. Board Member Spata ask's what the reason is for this change. Mr. Brewer says due to the utility pole and the garage being on the other property. This came as a request from NYSEG, and the client. Board Member Spata makes a motion to approve the lot line adjustment, seconded by Board Member Kalb. Roll call vote as follows;

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

New Business:

The next order of business is Woodland Playhouse. Christina Davis, owner of Woodland Playhouse is here this evening to present. She currently operates Woodland Playhouse in the Phoenicia Plaza. She purchased a property at 5605 Route 28, it is zoned residential, and she would like to build a new preschool at the property she purchased. The applicant attended the Planning Board workshop last month, to discuss this project, and she will walk the board through what she has already discussed and what she has not pertaining to the project. Ms. Davis states one of the issues that was brought up at the workshop, was emergency vehicle access to her new property. Ms. Davis states she spoke to Teddy Byron Jr. Phoenicia Fire Chief, and he assured her that Fire and Emergency vehicles will be able to access the road. The culvert being the issue regarding whether Ems can make it down the road. She also mentions Teddy Byron agrees the culvert should be widened if possible. The applicant states she has spoken to the Department of Transportation regarding their frontage , she states the existing private road that they have established , which is not Kinsey Rd, it currently does not have a name. She states she has a right away agreement with them. She states she has a lawyer looking over everything as well, and has spoken to Kenny and Naomi Umhey, who also own land adjoining hers. She also points out the stream that goes through the property is not regulated , so the DEC does not need to be contacted regarding the stream. Ms. Davis shows on the maps she has tonight, where she would like to put the new building for the preschool. She states because of where the stream lies, that is where the building would need to be, allowing the setbacks. She states there 50 and 100 ft setbacks. She states dig tests were also done in December, and they were all successful, for the septic.

She states she would like each classroom to have their own playground. There will be three classrooms in total. She states zoning regulation is to have a playground 50 ft from the property line. Chair Rabuffo ask's if its 50 ft or 100 ft from the property line, it is 100 ft. She states the building will be tucked back from the main rd., but any lighting that will be done, will be dark sky compliant. Ms. Davis explains the area of disturbance summary, she states there currently under an acre, which is where they need to be. Board Member Shiner ask's what number it needs to be. Ms. Davis states the number is .96, but there is an existing area

of .08, which gives a net area of disturbance of 0.8 ft. Board Member Spata ask's if the building materials will be traditional? The answer is yes, they will not be using anything rubber on the playgrounds, she would like to keep it as old school" as possible. Jim Fisher the applicant's architect, explains more what their plans are for the building. He states there will be two wings, with 3 classrooms in total, two classrooms for pre-school children, and one for toddlers. The square footage of the preschool classroom's will be 804 sq ft. The square footage of the toddler classrooms' will be 495 sq ft. Board Member Shiner ask's how big the classrooms will be. The applicant states there will be 12 per class in the toddler class and 18 per class in the preschool class. The applicant states the office of children and family services maximum size per class room, is 21 children per class. The building will have two wings, it will have two classrooms stacked, the opposite side will have the toddler classroom. The building will be two stories, the upstairs will have a storage area, and space for staff. The applicant states the classroom upstairs has its own covered deck, and a staircase leading to an exit as well, so there are multiple exits for the classrooms. Each preschool classroom has a bathroom, the toddler classroom has one, and there is an additional bathroom for staff upstairs.

The applicant states she has been in contact with the State, and the office of children and family services, and she reads their requirements stating; the building number of the program shall be conspicuously displayed and visible from the street. She states she is aware any sign on the road is something that needs to be discussed and looked at as well. She states the sign does not need to be where their access is, she states she is under the impression she would need to go the Zoning Board of Appeals about the sign. ZEO Grant states, the location of the sign would require a Variance. Board Member Kalb ask's the applicant, why wouldn't she want the sign where the access road is? The reply is she does not own that road. Board Member Welton states the sign would need to be visible, otherwise how would EMS or any other individual know where to find the preschool. Board Member Kalb states she drove over to the location of the proposed preschool, and what the applicant is proposing is far away from the location of the property. Ms. Davis states other individuals own the surrounding property. Including Randy Ostrander, Kenny, and Naomi Umhey, and then it is the right of way. There is a discussion amongst the Board, whether a sign, or visible fire numbers, would be the solution.

Board Member Shiner, states his concerns for the lack of parking spots, for all the parents who will be bringing their children to the preschool. Board Member Shiner ask's the applicant how many parking spots she will have. The applicant states the number of spots required are 6, and she will have 20 parking spots. The applicant states there will also be 5 additional spots along the road. Board Member Shiner shares his concerns about not having enough parking spots, for parents who are dropping their children off, and for the staff of 9 as well. The applicant states when children are being dropped off they will drive down the hammerhead" and drop their kids off using the parallel parking area, and then will leave upon drop off. Board Member Kalb ask's the applicant if all the parents come at the same time to bring their children? The answer is no they do not, it is staggered times. The

applicant states the hours which the children are dropped off varies. She states some of the children arrive at 9 am, and leave at 3 pm. And other children arrive at 8:30 am, and depart at 3:30 pm. As well as the before and after care program, where children may be dropped off as early as 7 am, and can be picked up as late as 5 pm. The applicant states she does not foresee an issue with parking, with drop off, because it has not been an issue in the past, with staggered times for drop off, and pick up. The applicant states she currently serves 32 families in the area , and on a regular day there will be 27 children in the facility. Board Member Shiner expresses his concern about the applicant not having enough spaces for individuals to park their vehicles, upon dropping off or picking up their children, and the one lane road is a concern. The applicant states it is a two-lane road, where the individuals will be coming and going to drop off their children. The applicant states DOT requirement is 20 by 12 she has a 50 ft right away, and would like to make the culvert wider, if possible, in the future, she certainly does not want there to be any issues, or accidents in the future, safety is very important to her. Board Member Shiner notes that new businesses in our area often do not have, enough parking spots, and he wants to make sure that she will have enough parking spots at her facility, for both drop off and employees.

Board Member Christie ask's the applicant if she has a designated area for snow removal. She states it will be pushed off by the "hammerhead," and there is plenty of surrounding land to put the snow removal. Board Member Spata ask's the applicant if the number of children at the new facility, will be the same number she currently has at Woodland Playhouse, in the Phoenicia Plaza. The applicant states the maximum amount of students allowed is 27, and they have it set up for 50 students. Board Member Spata notes he understands Board Member Shiner's concern about having enough parking for so many students. The applicant states she has 2 handicap spots, along with the required amount of parking spots. The applicant states if she did not have any limitations, she would widen the road, add more sheds, and playgrounds, additional parking etc. She states in order for this project to work, she needs to stay under an acre. She states she also is having a survey crew go out to the site, and she'll be able to show visually what the site will look like. Chair Rabuffo states the Board cannot consider anything beyond the applicant's property boundaries, he does agree it would be nicer if the road was wider. Chair Rabuffo noted their needs to be additional work to the entrance off route 28. The applicant states yes, they plan on regrading it to six percent, she states it will be six percent off of route 28, and their will be ramping to make it steady. She states the easement where the DEC has their parking easement, which they will make sure its accessible and not interfered with. She states she has been in contact with the DEC as well, regarding the easement, to make sure that they have touched all their bases. Board Member Christie states a letter from the Fire Chief Teddy Byron, would be required, stating that Firetrucks and Emergency vehicles are able to get to the property. Board Member Christie ask's if the applicant has a lighting schedule. The applicant states they will be dark sky compliant. Bob Kalb ask's the applicant what type of heat will they be using in the new facility. The applicant states she believes mini splits. The Board would like to see a lighting schedule, as well as the outcome of the conversation with Kenny and Naomi Umhey, who own the adjoining property. The applicant states per the

conversation she has had with the Umhey's, she states they are happy to have the road being improved. The applicant states she has been in contact with her lawyer as well, going over the project details, making sure that everything is being done legally and by the book. There is a discussion amongst the Board about the Stop sign and the proposed parking that will be put in. Board Member Christie ask's if the County will require a vision distance, where there is not a sign when you're driving up route 28 that may block one's ability to see oncoming traffic. Chair Rabuffo states the grading work that will be done at the entrance, will take care of that. She states someone from the DOT, has already been to the site and, the sizes and percentages she has given this evening, are based off of the DOT coming out to the site. There is a discussion amongst the board regarding placement of a new sign for the new preschool, or if fire numbers would be sufficient. The applicant ask's if the new sign she would like to put, could be at the beginning of where her property begins. Chair Rabuffo states it absolutely can be on her property line, but is unsure if that will meet State requirements, regarding signs. Chair Rabuffo states if the applicant would like to put the sign where she is proposing she will need a variance from the ZBA, because it isn't on the building, and it would require a site plan application by Kenny and Naomi Umhey. Board Member Spata ask's if the building requires a sign, or fire numbers. ZEO Grant states, to meet Fire code, a number is required. The applicant states according to state code, the building number of the program needs to be conspicuously displayed and visible from the street. The applicant suggests she could be the number on the telephone pole on the rd., ZEO Grant suggests she reaches out to Donna LaMoine our Town Code Enforcement Officer to discuss the matter.

Board Member Spata ask's the applicant when she would like to start construction. The applicant states she would have liked to have started last year. She states it has been a very tedious process to get to where they are now. She states she extended her lease at the Phoenicia Plaza for another year. She states there is a great need right now for a preschool, including toddler care, and now she has a wait list for toddler care alone. Board Member Kalb states she has concerns about the DEC parking area. Board Member Kalb states anyone who is walking the DEC property go into the woods carrying guns, etc. Board Member Kalb expresses she is concerned about the children sharing the road with individuals walking/hiking/hunting. The applicant states she's dealt with similar situations at her current facility, where individuals have tried to open the door, and enter. The applicant states the building's doors are always locked, you cannot get in, but you can always get out from the inside, the children are safe, from any outsider's trying to enter the facility. The applicant states she will be doing the same at her new location. What the applicant needs to have for next month's meeting includes; a lighting schedule, septic approval, a letter from Kenny and Naomi Umhey regarding the road, and easement, and a letter from the Fire Department, stating that Emergency Vehicles can access the road. As well as moving the stop sign/parking sign into her property boundaries, and to add a free-standing sign to the site plan, or putting fire numbers on the telephone pole.

Communications:

Other Business:

Adjournment:

There being no further business before the Board, a motion was made to adjourn the meeting by Board Member Spata, seconded by Board Member Christie . All in favor. Meeting adjourned at 8:30 pm. These minutes were prepared by the Planning Board Secretary Olivia Amantia