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**Town of Shandaken Planning Board
Minutes for Public Hearing
February 26th, 2025**

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

Roll called by 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	Absent
Vivian Welton	Present

Roll Call Summary: 6 Present, 1 Absent

Others Present: Zoning Enforcement Officer Grace Grant, Alan Dumas, Diego Celaya, Scott Olsen, Robin Cornish, Christopher Verall, Victor Fauci, Coliin Houston, Mike Moriello, Jan Jaffe

Regular Monthly Meeting was preceded following the Public Hearing at 7:45 as follows:

Perpetual Space LLC 25.3-1-11 Site Plan Review

Chair Rabuffo asks for the legal notice to be read, by Planning Board Secretary Amantia. Here to represent perpetual space is Alan Dumas, and Diego Celaya.

Chair Rabuffo ask's Mr. Dumas, engineer for the project, to give a brief description of the project, for the benefit of the public, and the Board. The applicant is proposing a seasonal event tent, for weddings, parties, reunions etc. There will be a maximum of 75 people at these events, there will be on site catering, and temporary bathrooms outdoors as well. The proposed event tent will be removed after each event. There is additional parking proposed on the site as well. Mr. Dumas states the Leeway, formerly known as Kate's Lazy Meadow, is

an existing 9 room hotel, they are not proposing any new construction, or excavation. There is also no site disturbance so a SWIPP is not required. There will also be valet parking for the events, the parking lot is gravel and there will be 16 parking spots, all valet. The original plan was for 90 guests, they have dropped that down to 75 guests. The DEP and DOH have already been to the site. There are several people who have signed up this evening to comment about the project.

The first person who signed up to speak about the project is Tedd Denman. Mr. Denman has several concerns regarding the proposed project. His concerns are noise, and quality of life. Mr. Denman resides across the way from the Leeway, and states the acoustics come right off the mountain down into the valley, so he can hear even when the creek is high. He also feels it will devalue all of the adjacent property owners, due to this proposed tent for events.

Jeanne Maloney resident of 5195 state route 28 is also hear to speak about the project. Mrs. Maloney lives right next door to the Leeway and has several concerns as well. Her main concern is noise, traffic, and quality of life. She has resided there since 1986, and states when she first met the new owners of the motel, they proposed doing some renovations, and upgrades, to now proposing an event tent which is very different than what they said they were going to do in the past, when they first obtained Kate's Lazy Meadow, now the Leeway. Mrs. Maloney is all for improvement, but this is a residential neighborhood, and should remain as such. The proposed event tent will impact quality of life negatively. Mrs. Maloney adds that the Planning Board should be protecting the neighbors, and their quality of life.

Wayne Guttman resident of Mt. Tremper, is here to speak this evening about the project. Mr. Guttman has several concerns about the project. Those concerns include noise, quality of life, and traffic. Mr. Guttman points out that the motel is not a "destination" spot for weddings or events, and there is no way of knowing how many guests will be attending these events. He adds he is also disappointed that the owner of the Leeway is not in attendance this evening to address these concerns. Mr. Guttman adds that the Town of Shandaken is a jewel, and everyone wants to change and take advantage of Shandaken, and we should preserve it.

Scott Kent resident of 28 Lavender Lane is here this evening to speak about the project. Mr. Kent has some concerns about the project. He states he lives a mile away from the Emerson Resort and Spa, and can hear the music when they hold events. He does not feel the proposed event tent is right for that area, due to the noise.

In addition to the individuals who singed up to speak this evening, there was one letter sent in regarding the project, against it, with several concerns as well. The concerns are environmental, lighting, garbage, noise, traffic, and quality of life.

Alan Dumas and Diego Celaya here to represent the Leeway will now address the comments regarding the project. Mr. Dumas states they will stay at the 53 decibels as far as noise, and

there is no new lighting or new construction proposed. The events will happen during the spring, summer, and fall. Mr. Celaya states they understand noise pollution is one of the major concerns and they will look into that more, and abide by the Town code. Chair Rabuffo ask's what time will the events end? Mr. Celaya states those details have not been finalized yet. Its also noted from 7 am to 7 pm the decibel level cannot be above 53. Board Member Kalb ask's if there will be events every weekend? Mr. Celaya states he cannot give a definitive answer at this time whether or not there will be events every weekend. Board Member Shiner ask's how they'll be lighting the tents? The answer is extension cords. With no further questions or comments at this time, Board Member Kalb makes a motion to close the public hearing, seconded by Board Member Shiner, all in favor.

At this time Board Member Spata makes a motion to close the public hearing, seconded by Board Member Christie.

**Town of Shandaken Planning Board
Minutes for Regular Monthly Meeting
February 26th ,2025**

The regular monthly meeting was called to order at 7:45 pm with the pledge of allegiance.

Chair Rabuffo ask's the Board if they've had a chance to look over the previous month's meeting minutes. With no corrections, Board Member Welton makes a motion to approve the minutes, seconded by Board Member Kalb, all in favor.

Old Business:

Perpetual Space LLC 25.3-1-11 Site Plan Review

Chair Rabuffo states the first order of business on the agenda, is Perpetual Space LLC. Board Member Welton states we should address the Ulster County Planning Board's comments regarding the outdoor bathrooms at the Leeway. Chair Rabuffo ask's if the floodway/floodplain is identified on the map? The tent will be in the floodplain, not the floodway. There is an evacuation plan determined as well. Mr. Celaya goes over the emergency/evacuation plan for the Leeway with the Board, that includes monitoring the weather, and alerting the guests, etc. Chair Rabuffo ask's if a floodplain development permit is required? ZEO Grant states it is not according to our Floodplain Administrator it's not required. Chair Rabuffo states all concerns are regarding noise, and he doesn't want this

to become an enforcement issue. Chair Rabuffo ask's if the owner is open to a capped number of events? Chair Rabuffo adds that the Board and the public will appreciate it. Board Member Shiner adds he has concerns doing this will open a "pandoras box" this would change the area, cars, people, all make noise, who will measure or monitor the noise? Board Member Shiner adds he would not want this in his neighborhood. He adds residents who live here did not sign up to live next to an event space. Board Member Kalb feels we should table this discussion until we receive additional information regarding the project. Mike Moriello states that the PB has a hard job to do and states that this proposed project is allowed" and states some concerns aren't warranted for the Planning Board, rather than the Town Board. Board Member Welton disagrees with Mike Moriello she stakes we take consideration of the projects before them, and are mindful, considerate, and respectful of the homeowners who will be directly affected by projects, such as this one. Chair Rabuffo reads aloud the Ulster County Planning Board's recommendation for the proposed project. They are mainly concerns of being in a floodplain/floodway, and the bathroom being exposed to it. At this time Board Member Kalb makes a motion to table the Leeway discussion until our next meeting, seconded by Board Member Shiner, all in favor.

Verizon Wireless 25.15-2-7 Special Use Permit

The next order of business on the agenda is Verizon Wireless. Scott Olsen is here this evening to represent. Mr. Olsen states that a ballon test was conducted to see if the proposed tower would be visible from the proposed location. There were only 3 locations where the ballon was visible, the viewshed model is accurate. The Board reviews the photographs that were taken from the ballon test. Board Member Welton ask's if the locations are all at road level? Mr. Olsen states yes, they are all on public roadways. Topography and vegetation will screen the proposed cell tower. Board Member Welton asks if the proposed tower will be visible on higher elevations? Mr. Olsen states it is a 160 ft tower with a 4 ft lightning rod, so it won't be very visible. Board Member Rosales ask's if there will be a shed on the site? The answer is no there will not be; all of the outdoor equipment will be weather/waterproof. It will be a 40 by 60 secured area not visible from public roadways. Chair Rabuffo ask's if the tower will be shared? Mr. Olsen states it'll be designed and installed to accommodate collators, as of right now they don't have anybody at the moment, but states it's like "field of dreams" once it is built, they will have other interested parties. The tower will be designed & constructed to accommodate that. ZEO Grant states it's required that you're in an agreement with another carrier. Board Member Welton asks Mr. Olsen is there another proposed tower in this town? Mr. Olsen states there is another proposed site east of route 28.

Mr. Olsen shows the Board the additional proposed site for a tower. He states they wanted to do them together, but that doesn't always work out. Mr. Olsen adds he may have an application for an additional proposed site in a few months. The SEQR is unlisted, the lead agency is the Planning Board. Typically, the permitting agency doesn't require a building permit application but that will obtain one as do diligence. Ulster County will be informed

as well on a coordinated or uncoordinated review. Mr. Olsen will also consult with the DEC regarding bats, eagles, and any endangered wildlife. It is also noted that if the lease is terminated for the cell tower, then the tower will be removed. ZEO Grant states that this application needs to be referred to the UCPB and they will need to see the lease. ZEO Grant adds that the UCPB will not be able to review the material in time for our next meeting, so the applicant should come to our April meeting, as opposed to March. At this time Board Member Welton makes a motion to set a public hearing for the applicant on April 9th at 6:45, seconded by Board Member Horn, all in favor.

Robin Cornish 14.1-2-28.100 Special Use Permit/Site Plan Review

The next applicant on the agenda is Robin Cornish who is constructing a new home on Silver Hollow Rd. in Chichester. Mr. Cornish has been before the Zoning Board of Appeals for a variance which was approved. Since the last meeting that Mr. Cornish has attended the plans are not changed, other than there is no longer a carport. After a meeting with the DEC, they suggested the location for the carport to be moved, so they did 150 ft down. Parking will be straight off the road, and there will not be an entry covered walkway for respect of the streambank. The proposed home is a 3 bedroom with a 5-car bay. The DEC and DEP have been met with to discuss the project as well. The septic is 50 ft from the creek, and the treatment field is 100ft as well, meeting all requirements. There are no wetlands on the property other than the creek. Mr. Cornish states he would prefer a coordinated review with the PB as the lead agency. Chair Rabuffo states a type 2 action does not require a coordinated review. Mr. Cornish adds when he was before the ZBA there were two letters sent in regarding the survey of the property. Mr. Cornish adds that a survey has been done, and it's amended on the new plans. Eagles were a concern as well, but they've been determined not to be an issue pertaining to the site. With no further questions or comments from the Board or the applicant, Board Member Kalb makes a motion to set a public hearing for Mr. Cornish at our March 12th meeting at 6:45, seconded by Board Member Shiner, all in favor.

Wellington Blueberry LLC 4.46-1-32.110 Special Use Permit/Site Plan Review

The next applicant on the agenda is the Wellington Blueberry LLC. President of the Wellington Jan Jaffe is here this evening to represent. They are proposing 10 affordable housing units, and a café/market. They are working with Rupco, and their lawyer Mike Moriello is here this evening as well. The property was purchased in December 2023, they have met with the Planning Board several times. They have approved drawings and a site plan, the site plan shows parking, lighting, as well as vegetation., there was also a report done on endangered species. They have had two community meetings as well regarding this project, because they like to keep the public informed. Chair Rabuffo states there are 12 parking spaces, 5 studio apartments proposed, and 5 one-bedroom apartments proposed. Twenty-one parking spaces are needed, they state they will have them. Chair Rabuffo states parking is the biggest concern. Chair Rabuffo ask's if there have been any

changes made? Alab Dumas engineer for the project, states there are 12 spots included, 10 resident spots/employee parking, and ada compliable, as well as a compact spot. Grass pavers have been suggested by the DEP, and they are 100 ft within a watercourse so a SWIPP will be done. The parking has also been reduced to 9 by 18. They also plan on doing some planting and to rebuild the stone wall. Board Member Shiner ask's if there is a pool? The answer is yes there is an abandoned pool that will be filled in, it will not be used or redone. There is lighting shown on the new site plan, the majority of the new lights will be under the porch ceiling, security lights, etc. The idea is to bring the building back to its former glory. There is a discussion amongst the Board and Mike Moriello regarding the public hearing, and to have a SEQR public hearing. At this time with no further questions or comments, Board Member Welton makes a motion for a SEQR public hearing for the applicant at next month's meeting, at 7:00 seconded by Board Member Rosales, all in favor.

Alfred Heitkonig 25.11-1-22.310 Subdivision

The next applicant on the agenda is Alfred Heitkonig for a subdivision. Colin Houston licensed surveyor is here this evening on behalf of Don Brewer who is representing the applicant. The applicant was before the Planning Board at a previous meeting, and did not file the maps on time, therefore they were not good, so he had to reapply for the subdivision. There are two lots both slightly different acreage, and boundary lines, the lot was split into two. At this time with no further questions or comments, Board Member Welton makes a motion for a public hearing at next month's meeting at 7:15, seconded by Board Member Horn, all in favor.

Christoper Verall 13.2-1.111 Pre application conference

The next applicant on the agenda is Christoper Verall, regarding a violation, he currently rents at 6280 state route 28, and there have been several complaints that he is conducting business in a residential area. Mr. Verall states he does not conduct any commercial business at the property. He rents trailers that are moved in and out of his residence. He states the Shandaken Police were at his door regarding the matter earlier today. ZEO Grant states the violation would have occurred, because large trucks have been in and out of the Town Hall, as well as East St. and where he resides on state route 28, they have been blocking traffic and it's a safety concern. The town offices have received many complaints about the trucks, and trailers, we cannot have trucks blocking route 28. The applicant states he is not conducting business; he states any business that is done is done outside of the house. The applicant states that trees can be planted to help hide the trailers, and that he is not conducting business at his residence. He states his business is primarily done in New Jersey, and that the trailers are rented online, and the trailers are to be picked up at a different location, not where he rents his house on state route 28. He states the trailers are to go to MH logistics which is a separate location, not where he lives. He states due to lack of cell service in our area, and non-English speaking drivers, it makes it difficult to communicate with the drivers, and they end up going to 6280

route 28, where they are not supposed to go. The applicant states he cannot control the truck drivers, since they do not communicate with him. Board Member Shiner ask's if he's thought of moving this operation entirely to a commercial area? The applicant has not, he states due to no cell service the drivers aren't aware of where they need to be, and can't find the "pull of "on route 28, therefore they've been driving into the Town Hall, and the applicant's residence. Chair Rabuffo states the trailers need to stay behind the house, and if his business expands, then he will need to find a new location to store the trailers. ZEO Grant suggests the applicant apply for a class two occupation. With no further questions or comments, the applicant will come back to another meeting next month.

Victor Fauci 4.46-4-30 Pre application conference

The next applicant on the agenda is Victor Fauci. Mr. Fauci owns 249 main street in Pine Hill, it is a vacant lot with .6 acres, and he'd like to build two structures. He'd like to build a 4-family apartment building, as well a small garage with an apartment. The plan is for him to live in the apartment, but he wants to make sure he'll have enough space on his property for both structures. The apartment building proposed will be 64 by 46, and the proposed apartment with garage will be 20 by 24. ZEO Grant states he needs .55 acres and has 6. ZEO Grant adds that he will run into a density issue when wanting to build a new structure, so he will need to apply for a variance in the future. The Board advises the applicant to build both structures if he's able to, and to put together the site plan review application along with a survey, and then come back to the Board when he is ready. Mr. Fauci states he's already hired Don Brewer to do the survey. The plan is to start with the garage first, then proceed with the additional building. Once Mr. Fauci has a complete site plan together, he will come back to the Board.

2083 Bull Run LLC 4.46-4-27 Pre application conference

Barbara Mansfield and Angel Molino co-owners of the Belleayre Lodge located on Hostel drive in Pine Hill are the next applicants on the agenda. The Lodge is right behind the Pine Hill Community Center, they've owned the building for 3 years. One of the cabins had a fire, and burned down, it was a two-bedroom cabin, now they have replaced the cabin with two airstreams, each sleep two. There is a municipal septic, and ZEO Grant adds there is an approved site plan from the early 2000's for two cabins. The airstreams are hooked up to an existing water and heating system. The parcel is also on town water as well. A discussion with the Board determines this to be a sketch plan conference for the two new airstreams. With no further questions or comments, Board Member Kalb makes a motion to approve the two airstreams, seconded by Board Member Welton, all in favor.

Other Business:

Adjournment:

All evening's business having been discussed; the board adjourned at 9:40 on a Kalb/Welton motion. All in favor.