

"The Heart of the Park...Where the Eagle Soars" www.shandaken.us

Town Clerk: (845) 688-5004 Justice Court: (845) 688-5005 Assessor: (845) 688-5003

Assessor Fax: (845) 688-5708

ZBA/ZEO/Planning: (845) 688–5008 Highway: (845) 688-9901

Supervisor: (845) 688-7165 Police: (845) 688-9902

Fax: (845) 688-2041

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

Special Permit and/or Site Plan Review Application

Information Sheet

Requirements: The Zoning Law of the Town of Shandaken requires that all property uses requiring a special use permit be approved by the Planning Board (herein referred to as "PB") prior to the issuance of Building Permits and Certificates of Occupancy. The law has established eight (8) classes of districts and designated the applications on the Zoning Map incorporated into the law. The use regulations in each zoning district are set forth in the District Schedule of Use Regulations, 5116.10 of the Zoning Codes. These codes may be reviewed online at: www.shandaken.us

Application: At least ten (10) days prior to the PB meeting, eight (8) copies of the application and all supporting documentation, plus four (4) hard copies of the plot plan and a PDF copy shall be submitted to the Building Department, together with applicable fees. The PB meets on the second Wednesday of each month at 7:00p.m. at the above noted address. Should you have any questions, please advise this department at least seven (7) days in advance so that you may be placed on the agenda for the Workshop Meeting which is held the last Wednesday of each month.

Supporting Documentation: A detailed plan for the proposed business or development, drawn to a readable scale and including all items indicated on the Site Plan Checklist, together with an AREA MAP, showing all adjacent properties, their owners, subdivisions and easements; a map of the applicant's contiguous holdings; and an existing conditions map, prepared by a licensed surveyor or professional engineer at a scale not less than 1" = L00' including metes and bounds description, locations of natural features, such as streams, wetlands, major rock or rock outcroppings, soil types and conditions, areas subject to flooding and landslides, major stands of trees and existing free-standing trees 12" or more in diameter at chest height within 25' of existing or proposed improvements and the location of existing man-made improvements of features such as buildings, roads, walls, fences, sidewalks, utilities and easements and a topographic map with contour intervals not greater than ten (10) feet, unless the PB requests lesser intervals.

Preliminary & Public Hearings: As previously stated, the above information should be submitted not less than ten (10) days prior to a preliminary meeting. The documents will be reviewed at a Preliminary Hearing, and if any further data is required, applicant will be advised. A Public Hearing will be scheduled in accordance with the procedures set forth in 5116-42 of the Zoning Law and Chapter 274a of the Town Law. When the application is moved to Public Hearing, all owners of abutting property, and all owners of property directly opposite and across any public or private road must be notified by certified mail/return receipt. The applicant will be provided with an invoice and list of abutters and payment in full for such mailing is due immediately.

Decision: After review of all information at the Public Hearing, the recommendations of other agencies whose consultations are mandated by law, and consideration of the provisions of the Zoning Law and other applicable ordinances, the PB will approve, approve with conditions or deny the application. The filing of the decision with the Town Clerk, in the case of approval, is deemed a Special Permit.

Expiration: Under S116.45 of the Zoning Code, a Special Permit shall be deemed to authorize only one (1) particular special use, and shall expire if a building permit for the special use permit activity is not issued within one (1) year of the date of issuance of the Special Use Permit.

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Town of Shandaken Fee Schedule

Effective October 2020

1. Pre-Application Review	No Charge
2. Application for Special Permit and/or Site Plan Review	\$150

Note: The listed in #2 is only applicable when the project does not trigger fees covered under items #3 and #4 listed below.

3. Planning Fees for New or Replacement Construction	
Residential Development of Multiple Dwelling Units	\$150 per application, plus \$25 per dwelling unit w/up to two (2) bedrooms, or \$15 per bedroom per dwelling unit
Commercial Development	\$150 per application, plus \$50 per 1,000 sqft of Building Footprint or fraction thereof
4. Site Development Disturbance	
Up to one (1) acre of disturbance	\$250 per application
More than one (1) less than ten (10) acres of disturbance	\$500 per application
More than ten (10) acres of disturbance	\$2,500 plus \$50 per acre above ten (10) acres of disturbance

Note: Site Development Disturbance applies to Special Permits and/or Site Plan Reviews which include grading, clearing, and demolition.

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Special Permit and/or Site Plan Review Application

Applicant Information (if applicant is not the owner of the property, a notarized Agent Authorization form must be submitted) APCR, LLC Name Name of Owner if other than Applicant 576 Woodland Valley Rd Mailing Address Mailing Address Phoenicia, NY 12464 City/State/Zip City/State/Zip 845-688-4501 Contact Number Contact Number **Property Information** Section 25.10 Lot 27.100 Zoning District 7 Size 1.3 5371 NY-28 Store A Mt Tremper, NY 12457 which is on the Physical address: side of West road/street/lane, in the Hamlet of $\ensuremath{\text{\textbf{Mt Pleasant}}}$ within 70 _feet of State/County Highway #_NY-28 in the Town of Shandaken. **Representative Information** Surveyor or Engineer (preparing the Site Plan) Other Representative Mailing Address Mailing Address City/State/Zip City/State/Zip Contact Number Contact Number Use CofO: Mercantile sales and business occupancies **Current Use** Proposed Use (attach additional pages if needed) Gelato/Ice Cream/Sorbet Store. It will have coffee, baked goods and other pre-made packaged items. UCDOH will have final say as to what we can & can't sell. PE is working on this at this time. May we have cart and/or truck until UCDOH approves plan? Is yes may we keep it after approval?

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STATEMENT

The undersigned as individual owner(s) or as a qualified officer of the corporate owner of the above described property, hereby apply for approval of the proposed use and/or site plan for the development of the property in accordance with the provisions of the Zoning Law of the Town of Shandaken and authorize entry upon the property for site inspections by Planning/Zoning Officials and their authorized representatives. Further, I do hereby affirm that all fees, permits, and charges applicable under the laws and ordinance of the State of New York and Town of Shandaken (including those required for any environmental impact studies, etc) will be paid; also, any legal or engineering fees required, including consultant fees, if warranted, will be paid be applicant(s). Fees are due and payable to: Town of Shandaken upon submission of the application. Any of the additional fees can be paid prior to the final hearing.

Signature(s)	By Howard Widensky APCR, LLC	Date	03/30/2025

Note: Compliance with requirements shall be the sole responsibility of the applicant and/or his representative. Under the New York State SEQR law, it is a requirement to fill out an EAF statement for submission with this application.

Attachment - Plot Plan

	Section: <u>25.10</u>	Block: 1	Lot: 27.100	
Location of lot:	5371 NY-28 Mt	Tremper, N	/ 12457	

Note: Plot plan must show the configuration of the lot (can be sketch plan) showing all buildings on the Parcel, giving the dimensions of each structure and **must reflect the setbacks of each Structure** from the property lines (front/rear/sides.) Sketch must be drawn to scale with scale indicated (if not providing professional drawings/plat.)

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Site Plan Checklist

If the application includes the need for a Site Plan, the following checklist will simplify the items that will be required by the Planning Board. Please provide written responses to any required information that cannot be clearly reflected on the Site Plan. If you feel that the requirement is not applicable (N/A), you can check the box indicated. The final decision regarding whether information is necessary lies with the Planning Board.

<u>Done</u>	<u>N/A</u>	
~		1. Title of drawing, including name and address of applicant and person(s) responsible for preparation of such drawing.
~		2. North arrow, scale and date.
/		3. Accurate boundaries of the property plotted to scale.
	~	4. Existing watercourses.
	~	5. Grading and drainage plan showing existing and proposed contours at an appropriate interval to be specified by the Planning Board at the sketch plan conference, with two foot contour intervals and soils data generally required on that portion of any site proposed for development where general site grades exceed 5% or there may be susceptibility to erosion, flooding, or ponding.
	/	6. Location, proposed use, and height of all buildings.
	✓	7. Location, design, and construction materials of all parking and truck-loading areas, with access and egress drives thereto.
	~	8. Provision(s) for pedestrian access.
	/	9. Location of outdoor storage of equipment and materials, if any.
	✓	10. Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences.
	✓	11. Description of the method of sewage disposal and the location, design, and construction materials of such facilities.
	✓	12. Description of method of securing water supply and the location, design, and construction materials of such facilities.
	✓	13. Location of fire and other emergency zones, including the location of the nearest water supply for fire emergencies.
	✓	14. Location, design, and construction materials of all energy distribution facilities Including electrical, gas, and solar energy.
	~	15. Location, size, design, and construction materials of all proposed signage.
	•	16. Location and proposed development of all buffer areas, including indications of existing vegetative cover.

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	/		ation and design of outdoor lighting facilities, including data regarding when oriate, lighting levels both within the site and at the site's boundaries.				
~			18. Designation of the amount of building area proposed for retail sales, office use, or similar commercial activity.				
	~	19. Detailed landscaping plan and planting schedule including the number, size, type and location of all canopy trees or understory trees, shrubs, and ground covers to be planted.					
	'	20. Building elevations and sections at a scale sufficient to delineate clearly the massing and the exterior materials, textures, and colors of all buildings and other structures shown on the Site Plan.					
	~	21. Other elements integral to the proposed development, as considered necessary By the Planning Board, including the identification of and State or County permits Required for the project's execution.					
		ALL IS	SUES HAVE BEEN READ AND ADDRESSED FOR THE APPLICATION				
Name	of Appli	cant(s)	By Howard Widensky APCR, LLC				
SBL			25.10-1-27.100				

******SHORT ENVIRONMENTAL ASSESSMENT FORM FOLLOWS*******

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Proposed Ice Cream / Gelato / Sorbet / Coffee Store

This is the space that was previously occupied by Phoenicia Soap.

Certificate of Occupancy states Mercantile sales and business occupancies.

We simply want to add prepared food.







Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Gelato/Ice Cream/Sorbet Store. It will have coffee and baked goods.			
Name of Action or Project:			
5371-NY 28 Mt Tremper, NY 12457			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: Adding Gelato/Ice Cream/Sorbet Store that will have coffee and baked goods to a storefront toccupancies.	hat has a CofO for Mercantile	e sales and business	
Name of Applicant or Sponsor:	Telephone: 845-688-450	1	
APCR, LLC	E-Mail: apcr@wid.com		
Address:			
576 Woodland Valley Rd			
City/PO: Phoenicia	State: NY	Zip Code: 12464	
 Does the proposed action only involve the legislative adoption of a plan, local administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the emay be affected in the municipality and proceed to Part 2. If no, continue to quest Does the proposed action require a permit, approval or funding from any other of Yes, list agency(s) name and permit or approval: UCDOH food permit. 	environmental resources thation 2.	NO Y	ES ES
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	1.3 acres 0 acres 1.3 acres		
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Special Commercial Commer	al 🗹 Residential (suburcify):	rban)	

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5.	Is the proposed action,	NO	YES	N/A
	a. A permitted use under the zoning regulations?		V	
	b. Consistent with the adopted comprehensive plan?		~	
6.	Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
0.	is the proposed action consistent with the predominant character of the existing built of natural famuscape.			/
7.	Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If Y	es, identify:		~	
				Ш
8.	a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
	b. Are public transportation services available at or near the site of the proposed action?		V	
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		V	
9.	Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If th	e proposed action will exceed requirements, describe design features and technologies:	ļ		
			•	
10.	Will the proposed action connect to an existing public/private water supply?		NO	YES
	If No, describe method for providing potable water:			V
11.	Will the proposed action connect to existing wastewater utilities?		NO	YES
			110	TLS
	If No, describe method for providing wastewater treatment:			V
12.	a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district	t	NO	YES
whi	ch is listed on the National or State Register of Historic Places, or that has been determined by the		V	
	nmissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the e Register of Historic Places?			
arch	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for accological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		v	
13.	a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES
			'	
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		'	
If Y	es, identify the wetland or waterbody and extent of alterations in square feet or acres:			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional			
☐Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES	
Federal government as threatened or endangered?	•		
16. Is the project site located in the 100-year flood plan?	NO	YES	
	'		
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES	
If Yes,	~		
a. Will storm water discharges flow to adjacent properties?			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:			
18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES	
or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:			
Tes, explain the purpose and size of the impoundment.	'		
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES	
If Yes, describe:			
	V		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES	
If Yes, describe:	~		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor/name: By Howard Widensky APCR, LLC Date: 03/30/2025			
Signature: By Howard Widensky APCR, LLC			
•			

APCR, LLC

576 Woodland Valley Road Phoenicia, NY 12464 845-688-4501

Shandaken Town and Planning Boards 7209 NY-28 Shandaken, New York 12480

03/26/2025

Once again, I was wrongly accused of not building what planning board approved.

The following was sent to Grace Grant on 06/05/2024

What Happened

Robert Stanley contacted me on 02/12/2019 11:07 about housing the post office.

On 02/12/2019 12:34 I sent Robert back the following "Written approval to change from offices to stores/offices/apartments on extension at 160 Mt Pleasant Rd."

Later that day on 02/12/2019 sent a Building permit application.

Plans were approved on 09/13/19

Summary

I did not take it upon myself to change the plans. I was asked by the Town Supervisor to change, which I followed up in an email to him about changing from offices.

The building department issued the plans.

Apology

I believe I am due an apology. I am a straight shooter and follow through.

I would like it on record from the planning board that I didn't go against what they approved, I was asked to build it this way by the Town Supervisor.

Tonight, I heard the same old story from Zoning Officer and the Planning Board about not building offices. The Town Supervisor requested the change, we only did as we were asked. According to the Certificate of Occupancy we clearly are allowed **Mercantile sales and business occupancies.**

Had Grace Grant followed up on what I sent her on 06/05/2024 she may have sounded a bit more intelligent at tonight's meeting. Grace just keeps making mistakes when dealing with me. How she is allowed to continue in two jobs is beyond me.



Supervisor: (845) 688-7165 Police: (845) 688-9902 Town Clerk: (845) 688-5004 Justice Court: (845) 688-5005 Assessor: (845) 688-5003

ZBA/ZEO/Planning: (845) 688-5008

Highway: (845) 688-9901 Fax: (845) 688-9863

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

OFFICE OF THE BUILDING INSPECTOR

CO-2022-712

Has issued a

CERTIFICATE OF OCCUPANCY

This certifies that the structure located at: 5371 Rt 28, Mt Tremper, NY 12457

Owned by: APCR LLC

576 Woodland Valley Rd

Phoenicia, NY 12464

Tax Map Number: 25.10-1-27.10C Building Use:

Res/Retail Construction Type:

Occupancy Class:

R-2/M Occupant Load:

Varies

Building Permit #:

2021-21R

Permit Issue Date:

2/15/2022

Sprinklers:

N

Required:

N

As best as can be determined, the property listed substantially complies with the requirements of Title 19, Building Code, Fuel Gas Code, Mechanical Code, Energy Conservation Code, Fire Code, Property Maintenance Code, and/or Residential Code of NYS as well as the Town of Shandaken Municipal Code and any applicable laws and rules that may pertain to the permitted work. This structure or any part thereof shall not be used for any purpose other than that for which it is certified. Certificate will be null and void if altered in any manner or additions are made there in. Should there be found any discrepancies in the information contained hereon it is your responsibility to inform the building department immediately so that corrections can be made.

The approved work completed is: Construction of a 6,484 sq ft two story mixed use commercial building

The permitted use and occupancy is: Mercantile sales and business occupancies on the first floor

and residential dwelling units on the second floor.

Certificate Number: CO-2022-712

Issue Date:

July 12, 2022

Town of Shandaken Inspector

From: Robert A. Stanley [mailto:shandakensupervisor@yahoo.com]

Sent: Tuesday, February 12, 2019 11:07 AM To: Howard Widensky <howard@wid.com>

Subject: Post Office Relocation

Howard.

Hope all is well.

I wanted to to contact you regarding the relocation of the Mt. Tremper Post Office as yours would be an ideal location when it moves.

It is important to the Town that we do not lose this Post Office as we recognize that loss of Post Offices in other hamlets have led to a sense of lost identity. We also hope to have it continue out of harm's way, be it flood or other disasters.

With that I will tell you that the NYS DOT is in discussion with the current landowners/lessees of the current Post Office to purchase the property where the PO sits. If they are unable to reach agreement, NYS DOT is prepared to take further action to acquire the land.

They need to have the land secured by August and vacated by September of this year.

They have to have it in possession to go out to bid by September October for the Bridge and Route 212 work to be awarded and start in Spring 2020.

I have spoken with US Postal Service representative regarding relocation and they would like to discuss this with you in detail as we are kind of short on time. They have certain processes that must be adhered to in order to accomplish this relocation.

We hope to avoid an interruption of service, but it may unavoidable due to time at this point.

I ask you to reach out to Jacqueline Hammons of the US Postal Service - Colorado Office.

She is the current contact regarding this activity.

Her number is (303) 227 - 5243.

I do not have an email as of yet.

Please call her as soon as you can so we can get the ball rolling and maybe work on a win-win situation for us all.

If you have any questions I'm usually available at my office.

Best regards,

Robert A. Stanley, C.F.M.

Supervisor, Town of Shandaken PO Box 134 Shandaken, NY 12480 Phone: 845 688 7165 Fax: 845.688.7392

Rob

I am in touch with Wayne Ecker on a daily basis. Our intentions are the following in order.

- 1. Install driveway onto Rte 28 (Approved by DOT. As soon as weather breaks)
- 2. Build shed in Mt Tremper (We have permit. We are held back by weather)
- 3. Install Frost Posts to use in lieu of foundation for extension on my cabin.
 - a. This is what we used to secure building, and re-build porch into 2 story addition.
 - b. Need this signed off by Building Dept.
- 4. Written approval to change from offices to stores/offices/apartments on extension at 160 Mt Pleasant Rd.
- 5. Close on building in town
- 6. Open restaurant for the summer season.
- 7. Build out buillding on Rte 28
 - a. I am curently working with bank to finalize financing.
- 8. Build out the lodging on Main street.
- 9. Renovate restaurant.
- 10. Extension on Cabin (Subject to speaking to Joe DeSarle and purchaing property from him.

I have to contact Building Dept for number 3-4

I have been in contact with UCHD, DEP, and Bank on 5-7 above.

This can all work out real if everyone plays nice together.

I re-did current building without plans, with Warren's help.

I hope to be able to do the same except I will hire a consultant to make sure we are within code.

I will get foundation plans as per building inspector.

Let me know if this can happen.

#4: If I can get this in writing I will have new illustrations soon as possible. I would like to hang a construction/sales banner 4x8 on current plywood set up for this.

I will do my best to make it happen.

Howard Widensky

P:516.740.8955 C:516.984.3656

APCR Building Permit Request





If we work together we should be able to have Post Office open by September.

Attached is request for building permit for New Building/Addition to 160 Mt Pleasant Road. I need a building permit ASAP to send to bank to complete package so they can approve loan.

Known:

- . As discussed we will have an engineer do plans for the foundation. (See attached proposal)
- We will not be submitting plans for anything other than foundation.
- · First story will be stores. There will be store fronts.
- We would like to hang a 4x8 construction banner on plywood board that is currently on site.
- Wayne Ecker is securing Insurance for any work he does for me. He is working with two agencies at this time.
 - o Note: Building is too valuable to play games
- . We will need a conditional Certificate of Occupancy for first floor. Second floor will not be completed in time.
- Fire Safety
 - Two story building will not have sprinkler system or fire suppression of any kind
 - o Inter connectable Hardwired Smoke and/or Smoke/Carbon monoxide detectors will be installed as needed. The addition will not be tied inter connected with the original building.
 - o Fire Extinguishers will be installed as needed

Unknown:

- Total cost of renovation. If number is higher than \$300,000 we will pay additional fees.
- Second story will be apartments or offices. I am currently in contact with UCHD and DEP to work on septic requirements
- Basement: Full, Partial, Crawl. (Will know more when we have drawings)

If you agree with above please send me a permit and I will send you money. If not please respond with your comments.

Howard Widensky 516.740.8955 Office 516-984-3656 Mobile



Tue 2/12/2019 6:12 PM

At tonight's meeting I was wrongly accused of not building what planning board appr...

LIVA	Howard Widensky	☺	← Reply	≪ Reply All	→ Forward 🕡 ···
HW	To Grace Grant; Olivia Amantia (shandakenbldg@gr Cc Marjory Widensky	mail.co	om)		Wed 6/5/2024 9:05 PM
	orwarded this message on 6/5/2024 10:25 PM. nessage was sent with High importance.				

@Olivia Amantia

Please email and/or print and give to all planning board members.

At tonight's meeting I was wrongly accused of not building what planning board approved.

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