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**Town of Shandaken Planning Board
 Minutes for Regular Monthly Meeting
 March 9, 2022/Postponed to March 30, 2022**

The regular monthly meeting was called to order with the pledge of allegiance at 7:00pm.

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	Absent
John Horn	Present
Allen Shiner	Absent
Sam Spata	Present
Vivian Welton	Absent

Roll Call Summary: 4 Present, 3 Absent

Others Present: . Sarah Pellazarri, Adam Turba

Minutes:

Motion was made by Board Member Rabuffo to accept the minutes from the previous meeting as written, seconded by Board Member Spata. All in favor. Adam Turba of studio architecture, architect for the Phoenicia Festival of the Voice foundation, presented to the board. The Festival of the Voice, purchased the old Wesleyan Church on Main Street in Phoenicia, a year ago the purchase was made to have office space, and a permanent home in Phoenicia, in order to put on the Festival of the Voice, by purchasing this space, their hope is to use the the space downstairs in the church as a cultural performance space for the town. Adam states the issue is the church was built, before any zoning regulations were in place, and the use of the church, and parking, may not be up to the parking requirements that are now in place for a performance space. Mr.Turbo states the idea of taking the current sanctuary space and bringing it up to code, by putting in a proper accessible access with a

wheelchair lift in the front, and redoing the steps up front, as well as putting in a new means of egress out the back to create two means of egress, and allow 100 people for performances. Mr Turba states, the issue is the parking, and what the town and the planning board will allow them to do in terms of parking, because there is very little parking available on site. Mr. Turba also states that the use of the downstairs of the church in the community room was used temporarily for the Phoenicia Farmers Market, this winter, which takes up parking on Jay Street, he states they are working to avoid that. He summarizes the stairs off of the rear of the building on Jay Street, exiting to James Street, from the back of the sanctuary, and taking off the ramp that exists in the front of the building, a rebuild of the stairs, and putting a lift, in addition to new lighting, and signs. Chair Rabuffo states that parking is the issue at hand, Mr. Turbo agrees, and states that the Festival of the Voice, is a non profit organization and they would like to be able to offer their art to the community. Chair Rabuffo states the parking would need to be intact in order to have events for up to 100 people. Mr Turbo also states, the Festival of the Voice, doesn't want to go ahead with renovations at the church, if they don't know if they'll be able to have adequate parking. Building inspector Pellazzari states the code 116.24 is specific to parking. Board member Spata asks Mr. Turbo about the two levels of the church, the upper level being called the 'Sanctuary, for the performance space, and the upper level would be used as the Community Room Board member Horn asks if there's a plaque on the church pertaining to the occupancy level, Mr. Turbo states there is not, as well as no exit signs. Mr. Turbo states there is fixed pews in the church for 96 people. Including the people on the stage, backstage, and the choir, its set up for 125 people. Board member Spata states the upper level, sanctuary level, and community space, performance space would be a place of assembly versus too small the occupancy below grade. Mr Turbo states the low grade is too small, therefore the assembly would only be on the upper level, if the plan they have is doable. Otherwise, they would keep the occupancy at 49 to maintain the same kind of use. Mr. Turbo also states anytime there would be a performance happening on the upper level, there would be none on the lower level, and that space downstairs would be used as a backstage space. Board Member Spata states, parking is the only issue at hand, and he asks what is the code for the minimum requirement for parking. Building inspector Pelliezzari states the upstairs area is for 83 of his assembly now going to an a1, based on the last fire and safety inspection, she states the downstairs is a much smaller space, and the occupancy load will need to be done and certified, and that number will be based off of the upstairs, and the final number will be based off of the square footage. She also states in 116.24 , your general uses, cultural facilities ,museum , art gallery, library or play, pick institutional uses. Building Inspector Pellizzari states one of the spaces is 400 square feet of gross floor area, based on that number you look at your general uses ,the church's for one per 12 classroom seats or auditory requirements as specified above, whichever is greater states it is 61.60 square feet . Chair Rabuffo asks Mr. Turbo what the square footage is of the church, which he replies is about 1,075 square feet of audience space. Chair Rabuffo states the 18 spaces needed will be about 60 square feet. Chair Rabuffo states from the code book , under general uses and 116 section 116-24, churches, meeting halls, membership clubs, auditoriums, theaters or other places of public assembly not otherwise specified, one per

four seats , or 60 square feet of seating area. Chair Rabuffo also states that they would need 30, and 120 seats, which Mr. Turbo states they are set up for. Barbra Cole, co found of the Festival of the Voice, approaches the board, and states that they are currently in negotiations with St. Francis , upon an agreement , they will allow the Festival of the Voice to use their parking facilities ,any time that they are not using the church. Those days are normally Saturday evening, and Sunday morning, if allowed this space it will give them 25 spots. Board member Horn asks about parking in the old Pharmacy parking lot, Building inspector Pellizzari states that is not an available space for parking, and states parking at St Francis would be ideal. Chair Rabuffo states an agreement would need to be made, in order to use the church space, in reference to timing. He states a paper agreement would need to be made, and that Jay street can not be blocked off, preventing residents from getting in and out of their driveways. Mr. Turbo agrees, and states their doing whatever they can to keep everyone in the community happy, and to be able to provide a space to put on these events for the community. Board member Spata states the issue is having 18 additional spaces, which as the members of the Festival of the Voice stated, St. Francis has those spots available if they come to an agreement. Board member Christie asks Mr. Turbo about the offices in cultural space, and that the parking information received ,is for cultural space, Board member Christie asks how much of that space is going to be an office, because office requires, one space for 60 square feet. Building inspector Pellizzari states it is one per four hundred. Mr Turbo states that the office space is separate from the performance space, and is in a separate building on Main Street with its own driveway for parking, and there is also a shed on the property that will be removed. Mr. Turbo states for the next meeting he will figure out how many spaces are required at that building. Board member Spata states for Mr. Turbo to do the numbers for both buildings and both uses, for parking on site, and off site. Board member Spata states that for the next meeting , they will need to present the numbers for on and off site parking, and suggests two handicap spots should be available as well. Mr. Turbo states that the intent of taking the ramp down in front of the building, would be to provide handicap spaces, and mentions talking to the town to see if they'll allow a curb cut on main street .Building Inspector Pellizzari states, that's not town owned since it is on state route 214. Board member Christie asks Mr. Turbo what is cultural space, and what is the intent of that space. Festival of the Voice member Barbara says the space is meant for perfromers, the Shakespeare festival ,in addition the space will be used for rehearsals, and other organazations may use the space as well if they need a rehersal space. She also states its important that the space is used for the entire community, not just for their purpose. She also states that classes could take place there, education classes, yoga classes, etc, She also states if some of the pews were taken out it would give them more space to perfrom. Building Inspector Pellizzari, asks about the space currently being used as J Street Studio, and states that on social media its advertised weekly for classes being available in that space. She states its the downstairs space of the building, being rented for classes. Barbra states she has no knowledge of the space being currently used for classes. Building Inspector Pellizzari states that its currently being advertised as J Street Studio, for yoga classes, tai chi, as well as the Farmers Market on Thursday's, she also states that the Festival of the Voice's company 501 c3 is the owner of the commercial space downstairs in the

building known as J Street Studio. This being said is why a fire and safety inspection was done last year, because there was never a change of use, or any approvals for this, and the fire and safety inspection was not approved. Board Member Christie asks if they have a tenant using the downstairs space, if so Mr. Turbo and the members of the Festival of the Voice need to regroup and decide what the intent of the space will be. As it is seen there is some conflict regarding the space, with mixed occupancies. Mr. Turbo states it seems there is an issue with the current tenant using the space. Festival of the Voice member states, the tenants intent for the downstairs space, is the same as theirs for the community, to have small classes. Board member Christie states, that they are going to need to put together the plan for the intent of the space and all who are involved, need to put in a change of use for the space. Board member Christie also states, they have the ability to change it, they will need to come back and apply for a change of use. He also states what is being said tonight has been rather confusing, Building inspector Pellizzari, agrees stating its still unclear what the space will be used for, is it a parking issue, or changing the use of the downstairs space, or both. Board Member Christie states all the activity that has been going on in the space is illegal, as far as the classes, and that it needs to stop. Chair Rabuffo states its not pertaining to having more than 49 people in the Church, it's a Church so using it as it is, is acceptable, what isn't is using it for other activities and not obtaining a change of use. Chair Rabuffo also states that it is a church, and music will take place, but it is not the same as having a performance. Mr. Turbo states the church, will be changed to an assembly space, and then make the lower space, an accessory community space. Building Inspector Pellizzari states there hasn't been a 1640 change of use, and the Festival of the Voice mentioned making changes, but they are already being done with out the proper change of use. The occupancy needs to be determined, so the Building Inspector can do a proper fire and safety inspection, then the permits can be issued. But that will not happen until it is known what the upstairs and downstairs space will be used for, as well as the parking situation. Building Inspector Pellizzari states a variance would be required from the ZBA to do the proposed steps for the building, the removal of the shed mentioned, which is on someone's property line. Building Inspector Pellizzari states that the site plan checklist, also needs to be properly filled out, and the new sign they need the plans for it need to be exact, and presented to the board, so the building department can approve it. The board explains more information about this entire project is needed for the next meeting which they will present. Barbra Cole approaches the board again, and states that the Festival of the Voice, was granted by assemblyman Cahill 125,000 for purchase of the property, she states its being held up at this juncture, because they don't have approval from the town for use of the building. If they agree not to do anything over a certain number, including the classes. She is requesting what the restrictions are, so they can use the space currently, and submit a letter to receive their funds from the state. Chair Rabuffo states that a change of use would need to be done in order to move forward.

Communications:

Old Business:

Durga Bernhard approached the board regarding her property on 203 Broad Street Hollow , regarding putting in an apartment above her garage for her daughter. The board came to the decision she will need a variance , for the apartment, she will present to the board at the following meeting.

Adjournment:

There being no further business before the Board, a motion was made to adjourn the meeting by Chair Rabuffo, seconded by Board Member Spata. All in favor. Meeting adjourned at 7:42 pm.

These minutes were prepared by the Planning Board Secretary Olivia Amantia