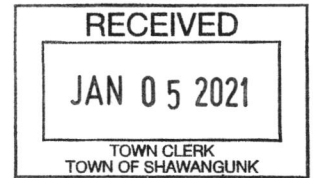


Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Town Office Building, 14 Central Avenue, Wallkill, New York, on the 3rd day of November, 2021.

Those present were: Mark Watkins, Chair
Alex Danon
Patricia Turner
Todd Widmark
Richard Barnhart, Vice Chair
Sal Patella
Vacancy



Absent: None. Also, present Bonnie Franson, AICP CEP, PP and please see sign-in sheet.

Meeting location: Town Hall, 14 Central Avenue, Wallkill

Open Regular Meeting: 7:00 pm

Emergency Exits Announcement:

Moment of Silence was held to honor the memory of the late Roger Allan Rascoe; a dedicated public servant to the Town of Shawangunk, United States Army, American Legion and Shawangunk Valley Fire District just to name a few of his many organizations that he was a part of; Roger was a compassionate mentor and a friend to many.

Pledge of Allegiance:

Approval of Minutes of October 5, 2021

A motion was made by Richard Barnhart, seconded by Todd Widmark to approve the October 5, 2021 Minutes. Vote: All Aye. Absent: None. Abstain: None. One Vacancy:

PUBLIC HEARING:

Robert Stap:(105.2-1-37.300) Proposed Two Lot Subdivision of 50.6+/-acres with existing sand/gravel mine located off Greising Road in the RAG-4 District and Wallkill Central School District. See Public Hearing Minutes.

CONTINUATION PUBLIC HEARINGS:

Mako Homes:(106.1-3-31) Proposed 8 Lot Cluster Subdivision of 32.4+/-acre parcel located on Malloy Road and Albany Post Road in R-AG4 District in Wallkill Central School District. Lawrence Marshall, PE was present before the Board.

The following items were entered into record: NYSDEC / MNTM emails dated 10/5/21 with attached Draft Conservation Easements and emails dated 10/15/21 & 10/20/21.

Attorney, Hoyt is now the lead attorney for the Planning Board for this project. Once the property was sold to Mako Homes, there are now no conflicts.

Mr. Watkins asked for a status update on Mako Homes.

Mako Homes cont.

Mr. Marshall said he had a Web-X meeting with the NYSDEC and discussed the draft Conservation Easements with the DEC. He said nothing substantial was decided; they will provide specific language to be incorporated into the Conservation Easement; that was two weeks ago, and we are waiting on the DEC.

Mr. Marshall said he received Mr. Hoyt's comments and he will resubmit.

Mr. Hoyt asked if the DEC wants edits to both the draft Conservation Easements?

Mr. Marshall said yes, but the DEC wouldn't give clear direction, we asked.

Mr. Barnhart asked if the Town of Shawangunk (TOS) would be responsible for enforcement?

Mr. Marshall said TOS would hold the Conservation Easement and yes, the Town would be responsible for enforcement.

Mr. Hoyt said as he understood the protected area that twenty – one (21.02) +/- acres was on Lot 8; that you must either farm or brush hog it, the other four (4.47) +/- acres is on another parcel owned by Debra Dezemo (aka Lasouska property); that is not part of this subdivision before the Planning Board. That the bulk of the 21+ acres will be habitat kept in perpetuity and the other 4+acres, the Town would not have much to say, as it is not part of this subdivision.

Mr. Marshall said I was advised the DEC didn't like structures in the Conservation Easement area; the applicant has no plans for structures.

Mr. Hoyt asked Mr. Marshall to ask the DEC how the agency defines a structure; Mr. Hoyt indicated DEC should know what it means, just want to understand whether a structure like a fence, run in shed etc., is considered a structure or not.

Mr. Barnhart asked what if the seven other parcels want a shed; would that be a problem?

Mr. Marshall said the DEC add construction / maintenance; we need to know, if the applicant is restricted at the time of construction; or after construction is done, can emergency repairs be done? The DEC couldn't provide any information; the DEC has only talked about this for winter habitat, not summer habitat.

Mr. Watkins asked Mr. Hoyt what could happen if the Board moved forward without the DEC or if the Board can override the DEC?

Mr. Hoyt said the DEC is holding the applicant to the possibility of an Incidental Take Permit. If habitat is destroyed, an applicant would have to obtain an Incidental Take Permit or if you satisfy the DEC you won't have to obtain an Incidental Take Permit. The Planning Board can't override the DEC and tell them no.

Mr. Marshall said if we can't meet the DEC criteria; they will take thirty-three (33) acres to preserve, and we would have to purchase the adjoining property. We have to provide a net benefit for species for year-round habitat and maintain it forever; be it repeated plantings, converted cornfield into hay or meadow and maintain the proper vegetation.

Mako Homes cont.

Ms. Turner suggested to Mr. Marshall when speaking to the DEC to use the existing building code definition for repairs as a resource as it is NYS Law.

Ms. Franson said the DEC is supposed to have a recovery plan for the Northern Harrier, perhaps the DEC doesn't have a plan therefore has not been able to provide sufficient guidance on protection.

Mr. Patella asked that noise be brought up to the DEC too, if everyone is mowing their lawn perhaps the noise could be a concern.

Mr. Marshall said the DEC has not defined what they want, we are hoping the restrictions will be minimal and appreciates Ms. Turner's suggestion.

Mr. Barnhart asked at what point did the Northern Harrier bird appear on the property?

Mr. Marshall said the bird hasn't been seen on this site.

Mr. Hoyt asked if any project could bring this type of action by the DEC? Mr. Marshall said yes it could.

Ms. Franson asked what if you had to do a SWPPP? Is there a question in the SWPPP regarding whether regulated species are present? Mr. Marshall said he was unsure.

There was no public comment received at this hearing.

Mr. Watkins suggested to the Planning Board to continue the Mako Homes Public Hearing to Tuesday, December 7, 2021 meeting, while they continue to work with the NYSDEC. Deadline to submit for the December 7, 2021 meeting is Friday, November 12, 2021 at noon.

A motion was made Richard Barnhart, seconded by Todd Widmark to continue the Public Hearing for Mako Homes, LLC to Tuesday, December 7, 2021 at 7:00 pm or soon thereafter. Vote: All Ayes. Absent: None. One Vacancy: Abstain: None.

APPEARANCES:

Carl Pinckney / Richard & Carolyn Pinckney:(105.2-1-36) Proposed Two Lot Subdivision with existing dwellings at 221 Greising Road on 13.430+/-acres located in RAG-4 District in Wallkill Central School District. Lawrence Marshall, PE was present before the Board.

The following items were entered into record: Letter dated October 11, 2021 from MNTM with letter dated September 20, 2021 from NYS Office of Parks, Recreation, and Historic Preservation with Survey & Subdivision Map of Lands of Richard & Carolyn Pinckney dated July 19, 2021 and memorandum dated October 27, 2021 from Bonnie Franson, AICP CEP, PP.

Mr. Marshall said this proposal is adjacent to the Stap proposal and these wetlands continue through.

Mr. Marshall said the applicant proposes a two-lot subdivision of a parcel containing three (3) existing dwellings. Lot 1 of 4.50+/-acres will contain two (2) existing dwellings and maintain the existing access from Greising Road. Lot 2 of 8.93+/-acres will contain an existing dwelling with the remaining lands. Lot 2 is an odd shaped flag lot; the house will access the gravel driveway through the Lands of Barretta and wants the pond. This subdivision proposes no disturbances.

Pinckney cont.

Mr. Watkins asked if Lot 2 access is through an existing utility easement?

Mr. Marshall said the gravel driveway is already there, it's existing; we are working with the Barretta's for an easement. The utilities are not located within the easement, the utilities to Lot 2 come from the existing dwelling on Lot 1; no disturbance or construction is proposed.

Mr. Danon said the layout is odd; the eastern side long strip – do you need this just for acreage? I would prefer you go to the ZBA to design a better layout and shape of the lot.

Ms. Turner said she doesn't like this design for the layout and suggested flipping the flag pole.

Mr. Marshall said he believed that would need additional acreage to create that design.

Mr. Patella suggested an alternate design with Lot 2 access via its own pole.

Mr. Marshall said the applicant doesn't want any construction, no disturbances.

Mr. Hoyt suggested to add a note these dwellings are pre-existing dwellings.

Mr. Watkins and Ms. Franson asked if there was any farming done on this property.

Ms. Turner asked are these apartments in the dwellings on Lot 1? How many units are in each structure on Lot 1?

Discussion was held on the number of units in each dwelling, minimum lot size or two-family.

Mr. Marshall said he was told just one apartment, and will investigate further.

Mr. Watkins suggested the Board conduct a site visit.

Mr. Danon asked if they are looking to buy land for the Barretta easement?

Mr. Marshall said no, the Barretta lot wouldn't meet zoning.

Ms. Turner asked if the paved area is the parking area for the units? Mr. Marshall said yes.

Mr. Patella noted that the Barretta shed should be shifted onto their own parcel.

Ms. Franson said if variances were sought you could redesign the layout.

Mr. Danon said it would be better to get variances rather than this layout.

Ms. Franson suggested attaching the eastern side strip to Lot 2.

Ms. Turner said the applicant wants to retain the pond on Lot 2.

Mr. Watkins and Ms. Franson both said the design preferred is with the driveway for Lot 2 to be near the existing access and yes, it may need variances.

Pinckney cont.

Mr. Watkins polled the Planning Board if they were in agreement to provide a recommendation to the ZBA?

Ms. Turner asked for an updated map to provide the additional information for clarification.

Mr. Danon said it appeared a side yard variance for Lot 1 would be needed.

The Board's was polled it is noted that 5 would recommend to the ZBA and 1 to remain as shown with one vacancy.

Mr. Watkins reaffirmed Mr. Marshall received Ms. Fransons October 27, 2021 comments. Mr. Marshall said yes, he received it.

Ms. Franson said her remaining comments are procedural in nature.

Mr. Watkins asked Mr. Marshall to address Ms. Fransons comments, redesign the layout and resubmit.

This application remains incomplete.

Lewis Donnelly:(106.004-1-6.200) Proposed Special Use with Site Plan for Conceptual multi-family development plan on 25.797+/-acres with municipal water - sewer, located in the Hamlet (H-1) District, Borden Home Farm Historic Overlay (BH-O), portion of Aquifer Overlay District (AQ-O) and Wallkill Central School District. Lewis Donnelly and Lawrence Marshall, PE were present before the Board.

The following items were entered into record: Letter dated October 15, 2021 from Mark Watkins, Chair, email and letter dated October 15, 2021 from Lawrence Marshall, PE.

Mr. Marshall said they would like to discuss the layout of the access drives, buildings and parking lots for the proposed development before developing the site plan into a preliminary plan. The proposal is for 111 dwelling units, with the breakdown for 34 senior units and 77 regular units.

Mr. Watkins said the Board provided their concerns in their October 15, 2021 letter and read them into record:

- Density
- Layout
- Traffic
- Sewer Conveyance Issues
- Emergency Access
- School – Age Residents
- Visual Resources
- SEQRA

Mr. Marshall said we are looking for guidance from the Board; does the Board want the buildings with senior units behind the existing dwellings on Buena Vista Avenue?

Ms. Turner asked how many stories would the senior building be? Would it have elevators? Will there be common areas?

Donnelly cont.

Mr. Marshall said the senior buildings would be three (3) stories, there would be no elevators and there would be no common areas.

Mr. Watkins said you need to review the Town Zoning for the criteria for senior development.

Mr. Donnelly said we can design senior buildings for seniors.

Mr. Marshall asked about the viewshed points of concern would be from the Borden Farm, Rail Trail; he noted that the Borden Historic Overlay (BH-O) has restriction of no parking in front; however, our thought is this is private parking in the front of the building and these are private roads to only be accessed by residences and visitors.

Mr. Watkins asked if the As – Of – Right per zoning has been confirmed?

Ms. Franson said no, we don't know that yet.

Mr. Donnelly said we are requesting 111 multifamily units and we believe the as – of – Right is 72 units.

Mr. Marshall said we have no intention to make this pump station to be public, it will be private and will not be owned by a district.

Mr. Hoyt said he will have to look into a privately owned improvement within a sewer district with a developer agreement.

Mr. Marshall said this will serve the development, not the greater good of the district with one (1) hookup to the main.

Mr. Watkins said for the prior Titus project, the Town would benefit.

Mr. Marshall said the prior project proposed it to be under the railbed up to NYS Route 208.

Mr. Hoyt agreed with Mr. Watkins, it is the Town of Shawangunk's (TOS) goal to have municipal service down NYS Route 208 to the Town of Shawangunk / Orange County line.

Mr. Hoyt said perhaps Mr. Donnelly could work out an agreement with other properties and/or the Town? As I am not sure if development on NYS Route 208 will happen.

Mr. Watkins said it has been the intent of the TOS for the sewer line to go down NYS Route 208 to the Town/Orange County line.

Mr. Hoyt said the density and As-of-Right for the property needs to be determined, for the Titus project net area was determined quite a while ago.

Ms. Franson said we also need to know that the NYSDEC will permit this. The project is changing. It is different compared to the cluster development. NYSDEC may not allow the encroachments into the 100'ft buffer areas.

Mr. Watkins said the Titus cluster development was for thirty-one (31) lots and discussed when the NYSDEC remapped the Wallkill Watershed and Mr. Titus took it upon himself to go to the NYSDEC.

Donnelly cont.

Mr. Marshall said we submitted a plan to the NYSDEC. The NYSDEC said as long as it was less disturbances than what the Titus project proposed they were okay with it; and we will need to provide them the plan.

Mr. Watkins asked what building and layout area you entertaining; are you going to cluster the buildings?

Mr. Marshall said a layout that the buildings are closer; there is no cluster layout required; this isn't a subdivision.

Mr. Patella said the amenities for senior units is a concern; the layout as shown I perceive the Fire District may have concerns with it and he is opposed to having senior buildings without elevators.

Ms. Turner said if buildings A & B are going to be senior units, there should be more parking, density may be lower. As shown building A & B don't look any different than the other buildings. What are you providing for these buildings to be considered senior housing?

Mr. Danon discussed Mr. Donnelly's Chester project; are there any senior units there?

Mr. Donnelly said yes, there are senior units on the first floor.

Mr. Danon said you can't have a building for senior housing and require them to walk upstairs.

Mr. Barnhart said he is concerned with traffic with the number of units proposed; parking locations where there is a viewshed from the Rail Trail; asked if building A & B could be eliminated and reconfigure the parking so that there is lawn space in front, to cluster, to provide overflow parking; provide green space.

Mr. Patella, Mr. Danon and Mr. Barnhart requested the plan incorporate access to the Rail Trail.

Ms. Franson said her design comments are to vary the pattern so the buildings are not in a row; move parking to not be in the main aisle and separate parking spaces from the main aisle to provide greenery. The linear pattern of buildings looks a little barracks.

Ms. Turner suggested a smaller building footprint or one less building.

Ms. Franson said if the NYSDEC is okay with no more, but less disturbances and less in the adjacent areas

Mr. Marshall said we will work on the layout, possibly move buildings A & B; to eliminate a building would need buildings A & B to be three-story.

Mr. Hoyt discussed the prior project's amount of disturbance; is this a real NYSDEC Wetland – did Mr. Titus sign documents with the NYSDEC?

Mr. Marshall said Mr. Titus elected to go to the NYSDEC, we just need to figure out if the layout is better in one location or spread out.

The applicant will continue to work on the layout.