

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 5th day of April, 2022.

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



Absent: None. Also, present were Richard Hoyt, Esq., Bonnie Franson, AICP CEP, PP., Supervisor John Valk, Jr., Councilman Alex Danon 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 – Pledge of Allegiance:

Approval of Minutes of March 1, 2022

A motion was made by Todd Widmark, seconded by Sal Patella to approve the March 1, 2022.

Vote: All Ayes. Absent: None. One Vacancy: Abstain: None.

PUBLIC HEARING: There are no new hearings.

CONTINUATION PUBLIC HEARINGS:

Magruder Solar, LLC:(107.3-1-1.100 (access) & 107.3-1-3.110 (site) Proposed Large Scale Solar Energy System at 643 Plains Road on 54+/-acres (20 acres of panels) located in the RAG-2 District, Aquifer Overlay District and Wallkill Central School District. Representatives CS Energy, Matt Tripoli, Gregory Samilo and Michael Moriello, Esq. were present before the Board.

The following items were entered into record: Letter stamped received March 29, 2022 from Gerald Wager, 2310 Route 300 and letter dated April 4, 2022 from Dennis Larios, PE.

Mr. Tripoli discussed the drainage updates with the Board and he met with Mr. Wager to discuss his concerns. Mr. Wager's letter was provided to Mr. Tripoli.

Mr. Watkins said we started to draft the SEQRA Negative Declaration; however, we found an issue with the SWPPP and asked Mr. Szarowski to discuss this item.

Mr. Szarowski said he went through the SWPPP, the stormwater model used for the grading; the curve never changes or the time of water concentration. At D2 & D3 you need to look at that.

Mr. Szarowski said at D3 the water is directed to go towards Mr. Wager's house. He said D1 shows the water going towards the wetland. He asked if D2 water is being directed to the NYC Aqueduct?

Mr. Szarowski asked why are you grading twenty (20) acres; that Ulster County Planning Board noted that as a concern.

Magruder cont.

Mr. Szarowski said the drainage at D3 is going towards Mr. Wager's property; and is an issue and needs to be looked at.

Ms. Franson said there are some clean up items and will send them to them; such as the number of acres doesn't add up for the leased area in the SWPPP are not consistent and need to be gone through and cleaned up. Also, to show the net lot area calculations; #5 straightened up and provide the signed NYSDEC map and ACOE permit.

Mr. Watkins asked if there were any comments from the Board or audience?

Mr. Widmark said I would like to discuss what was said at last month's meeting; I asked where the solar panels were being made, that we want to keep the money in the United States and you responded you're buying the panels in South Korea; that there aren't many companies in the United States that make high end panel which are costly. This whole green deal, a lot of taxpayer dollars are going in this green new deal; you said you'll be using local unions which is a good thing. I want to tell you that there are a number of companies in the United States that make panels and why wouldn't you want to use more advanced panels?

Mr. Tripoli said those companies are more for the homeowner than making commercial panels; this is more of a taxed scale project.

Mr. Hoyt asked for a status update with the New York City DEP?

Mr. Samilo said they received notification last month, the DEP permit gets issued closer to construction.

Ms. Franson asked for a status update for the NYSDEC permit?

Mr. Tripoli said Colliers, their engineers is working on it and said perhaps later in the month.

Ms. Franson asked can you clarify you said Colliers is working on what? The design for the road or the permit?

Mr. Tripoli said design of the 20-foot road.

Mr. Barnhart asked can any of you speak to the marketing end for signing up for solar? Will local residents have first opportunity to sign up?

Mr. Tripoli said there are a number of ways for marketing this; we are working with a third party. It will be available first to residents that are Central Hudson customers. Central Hudson has their own website that is not ours to address.

Mr. Moriello asked if the Board wants to close the public hearing.

Mr. Watkins said no we don't want to close the public hearing; we will continue it to the May 3, 2022 meeting.

A motion was made by Sal Patella, seconded by Todd Widmark to continue the Magruder Solar, LLC Public Hearing to May 3, 2022 at 7:00 pm or soon thereafter. Vote: Sal Patella, aye, Richard Barnhart, aye, Todd Widmark, aye, Patricia Turner, aye, John Szarowski, aye, Mark Watkins, Aye. Vote: All Ayes. Absent: None. One Vacancy. Abstain: None.

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. Mark Brissette and Lawrence Marshall, PE was present before the Board.

The following items were entered into record: Two-emails dated March 24, 2022 from Lawrence Marshall, PE to Planning Board, emails dated March 24th and 25th 2002 between Lawrence Marshall, PE and Nathan Ermer, NYSDEC and letter dated March 25, 2022 from Nathan Ermer, Region 3 Wildlife Program Manager, New York State Department of Environmental Conservation Division of Fish and Wildlife.

Mr. Marshall said the NYSDEC issued their letter dated March 25, 2022 with the Conservation Easements that were presented to them; and will update the appropriate notes to the plans.

Mr. Marshall said I personally received a call from Kelly Turturro, Region 3 Director, who promised immediate changes for projects; that this project is not under their jurisdiction which doesn't help Mr. Brissette with the amount of time and money spent.

Mr. Watkins asked Mr. Marshall to clarify what the DEC March 25, 2022 letter means to the Mako and Dezemo properties.

Mr. Marshall said the seven restrictions will remain which includes the time restriction:

- The activities below are subject to time restrictions and not permitted between November 1 and March 31.
- Initial site clearing and grading
- Well drilling
- Major excavation including basement/foundation excavation and septic installation
- Foundation Construction
- Exterior framing
- Sheathing installation

Mr. Marshall said in addition, the Conservation Easements for Dezemo (for 30 years) and Mako (in perpetuity) will remain. Mr. Hoyt and I have spent a lot of time on these Conservation Easements.

Mr. Barnhart said are you sure its 30-years? He said I see 40-years in perpetuity – what is the NYSDEC definition for perpetuity?

Mr. Marshall said the 40-year is an error; the area will remain Northern Harrier habitat, typically life span of 15-years; DEC wanted twice that amount 30-years.

Mr. Patella asked for clarification that after the 30-years will it revert back to the Town's Conservation Easement in perpetuity?

Mr. Hoyt said the Town's standard farm easement allows farming cultivation or brush hogged annually.

Mr. Marshall said this Conservation Easement has it that you have to do something with the land.

Mr. Barnhart said I still believe it is not fair for the Town of Shawangunk to have to enforce this.

Mr. Hoyt said the DEC will be the enforcement on the Dezemo, the Town doesn't want to assume that burden.

Mr. Watkins asked if there were any additional comments from the Board or audience?

Mako Homes cont.

Mr. Watkins said on file are the Draft SEQRA Resolution and Negative Declaration and Draft Preliminary Major Subdivision Resolution both dated November 4, 2020 prepared by Ms. Franson.

Mr. Watkins requested Mr. Marshall to submit updated revised subdivision plats be and asked Ms. Franson to update the 2020 Mako Homes documents for the May 3, 2022 meeting.

A motion was made by Sal Patella, seconded by John Szarowski to continue the Mako Homes Public Hearing to May 3, 2022 at 7:00 pm or soon thereafter. Vote: Sal Patella, aye, Richard Barnhart, aye, Todd Widmark, aye, Patricia Turner, aye, John Szarowski, aye, Mark Watkins, Aye. Vote: All Ayes. Absent: None. One Vacancy. Abstain: None.

FORMAL SITE PLAN REVIEW:

Bona Ventura, LLC:(106.49-1-20) Proposed Hardware Store to be located at 4 Bona Ventura Ave., in the Small Business District and Wallkill Central School District. Michael Beck and Joe Russek were present before the Board.

The following items were entered into record: Email dated March 18, 2022 from Michael Beck with attached Site Plan for 4 Bona Ventura Wallkill, LLC dated 3/17/22.

Todd Widmark has business dealings with the applicant and recused himself from review of the project.

Mr. Russek said we are before the Board trying to repurpose the former Ford garage into a 5907.24 SF hardware store – Beck’s Hardware.

Mr. Watkins said yes and we have been trying to work with the applicant to submit the items needed for Site Plan review to get it to a complete application. The Planner’s March 1, 2022 comments were emailed; this is on a state road and requires Ulster County Planning Board GML review.

Ms. Turner asked for clarification on the Site Plan dated 3/17/22; it doesn’t show in/out traffic flow pattern or delivery truck flow.

Mr. Patella asked where will deliveries come into the building?

Mr. Russek there are two (2) or three (3) existing road cuts to access the property. We will clear up the plan. Trucks will come off Route 208.

Mr. Watkins said from his discussion with Mr. Beck, the delivery truck will access Route 208 below and drive up the hill between Millspaugh Funeral Home and Becks fence.

Mr. Beck said facing the building; all truck deliveries will be on the left side and parking on the right side; we will be placing directional signage on the pavement.

Ms. Turner said a written narrative would be helpful; that is a steep hill is it less than 14%? What lighting on the exterior will be used; define what is going to be new gravel parking, etc.

Mr. Watkins said we don’t use 14% grade, Shawangunk requires 12% grade or less.

Mr. Barnhart asked who owns the trees between the property?

Mr. Russek said the trees are on their property.

Bona Ventura, LLC cont.

Mr. Barnhart said then the trees can be trimmed or remove up front to increase sight distance issues if any.

Mr. Russek said they will be trimming the trees and the first few near Bona Ventura would be removed to improve sight distance.

Mr. Barnhart said this is a good business, we should do everything we can do to bring business to the town.

Mr. Watkins asked Ms. Franson to discuss her comments.

Mr. Russek said we don't need to go through all the comments.

Mr. Watkins said the narrative needs to be revised; include items discussed above with Ms. Turner's comments; the narrative needs to have days/hours of operation, traffic patterns, number of employees, regular and seasonal.

Ms. Franson said if outdoor storage is proposed it should be indicated in the narrative and the site plan should show what they want.

Ms. Franson said the property slopes down to Route 208, there is a concern for room for parking; a barrier could be added. Parking spaces are 10x20 or 10x18 with wheel stops. Also, be aware of the Floodplain area. Will the fencing remain?

Ms. Turner asked for the size of the handicap parking spaces be checked for current size requirements.

Mr. Watkins said SEQRA review is not required, however, an overview of SEQRA should be looked at.

Ms. Franson said from a SEQRA perspective she defers to the Town Attorney.

Mr. Russek said he will address the parking space concerns.

Mr. Russek said we currently mapping out ownership and opening up the fence, our goal is to leave the fence.

Ms. Franson asked for the sign regulations be reviewed for where ever they are proposing a sign; its all about adding the details to the site plan.

Mr. Watkins asked what the colors of the building is being proposed; that the Board prefers neutral colors.

Mr. Russek said battenboard tan, white building with black trim; he submitted three (3) photos to the Board, that were stamped received April 5, 2022 by the Planning Board.

The three (3) photos were shown to the Planning Board.

Mr. Watkins asked the Planning Board if they were okay with and agreed to these colors?

The Planning Board said they were good with the colors.

Ms. Franson asked if the existing windows will remain or be replaced?

Bona Ventura, LLC cont

Mr. Beck said the front windows stay; the back will be changed; the side will be the way you see it today.

Mr. Hoyt asked for clarification on the square footage; do you believe the 5900SF to be correct?

Mr. Beck said yes, we are using the garage space towards the footprint.

Mr. Watkins said please get submit your updated narrative and site plan to the office as soon as possible; in order to send it to Ulster County Planning for GML review. The County Planning meets the day after we do; the sooner you provide the information the sooner we can meet County Planning Board's deadline too.

APPEARANCES:

Robert Stap:(105.2-1-37.300) Extension request for Conditional Final Approval conditions for approved 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.

The following items were entered into record: Letter dated March 15, 2021 – received March 16, 2022 from Ryan Smithem, E.I.T. / MNTM; Ulster County Department of Health permits, Recreation fee and Common Driveway Easement and Maintenance Covenant.

Mr. Hoyt has recused himself, as he works for the family.

Mr. Watkins said a brief extension of Conditional Final Approval conditions is needed; the conditions have been completed and the maps will be signed and released for filing the maps and legal documents in Kingston with the Ulster County Clerk's office.

Mr. Watkins said the Board can grant a 63-day extension for Conditional Final Approval to Tuesday, June 7, 2022 meeting with the additional legal language for extension.

The Board agreed to extend to Tuesday, June 7, 2022 Planning Board meeting and said to include the required standard language and legal language.

A motion was made by Todd Widmark, seconded by Richard Barnhart to grant a 63-day extension to Tuesday, June 7, 2022 for Conditional Final Approval for Lands of Robert & Stacey Stap Final Minor Subdivision subject to all conditions noted in the Filed Final Minor Subdivision Plat Approval Resolution for 2-Lots granted by the Planning Board on November 3, 2021 with Schedule A – Conditions for Final Subdivision Plat Approval 1 through 14. Vote: Sal Patella, aye, Richard Barnhart, aye, Todd Widmark, aye, Patricia Turner, aye, John Szarowski, aye, Mark Watkins, aye. Vote: All Ayes. Absent: None. One Vacancy: Abstain: None.

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 March 11, 2022 from Lawrence Marshall, PE with attached The Eagle's Roost Site Plan last revised 3/11/22 and Cross Sections for Eagle's Roost last revised 3/11/22; email dated March 9, 2022 from Michael Croce, WFD Commissioner, Shawangunk Highway NOI response, memorandum dated April 1, 2022 from Bonnie Franson, AICP CEP, PP. and letter dated April 4, 2022 from Dennis Larios, PE.

Donnelly cont.

A lengthy discussion of conducting a balloon test for photos to be taken for the maximum height of the buildings proposed in order to complete the visual assessment for SEQRA was held. An attempt was done and delayed due to weather / wind prior to this meeting.

Mr. Watkins said we need to notify the public of the balloon test; when do you think it will be done?

Mr. Marshall said we have been discussing the visual for some time, why is it now a requirement; it's not a legal requirement.

The Planning Board discussed where posting should be done for this balloon test to take photos for the SEQRA visual assessment to be completed by the applicant. Suggestions made on the Town's website, residents on Buena Vista Ave, local paper, Town's Facebook page, local shops, senior building.

The Board was polled 4 to 2 to post the balloon test notification locally, Town's Website and Facebook Page.

Ms. Franson said to provide a narrative for explanation for the public. The Board agreed.

Mr. Marshall said they will fly 5-6 balloons at or near the general center of each proposed building; they will put 2 balloons on each end of the senior building and will provide a narrative.

Mr. Watkins said the applicant was provided the Town Engineer that are to be addressed.

Mr. Watkins asked Ms. Franson to discuss her April 1, 2022 comments to be addressed.

Ms. Franson discussed her April 1, 2022 comments; and said we have provided general comments, but have not added any detailed comments as the plan is still conceptual, pending a submission that addresses the BH-O standards:

Comments

1. Special uses. The applicant is proposing two special uses: senior housing, and multifamily development. Special use applications were received in February 2022.
2. BH-O zone. It has been determined that the site is in the BH-O zone, and the BH-O standards apply. As noted in our previous memos, the following standards need to be addressed when a project is in the BH-O zone. The intent of the regulations was to mimic "traditional settlement patterns." Requirements include but are not limited to:
 - parking is to be screened and located to the rear or side of buildings.
 - architecture must be consistent with the character of other buildings in the core farm, Wallkill hamlet, or similar rural and hamlet architecture in the area.
 - street pattern is to be gridded unless waived by the Planning Board.
 - buildings shall not protrude above ridgelines and trees.
 - buildings shall not exceed a 7,500 square foot footprint.
 - 50 percent of the support land must be preserved by conservation easement.
3. Scale of buildings. As noted previously, the footprint of the buildings should be indicated - specifically indicate the square footage on the plan is the "footprint". Five (5) of the buildings on the site require an area variance, the largest being the senior housing building, with a footprint of 20,749 square feet.