

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 2nd day of August, 2022.

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



Absent: Sal Patella (Excused). Also, present were Richard Hoyt, Esq., Bonnie Franson, AICP CEP, PP., Robert Wallner, Building Inspector / CEO 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 June 7, 2022

A motion was made by, Richard Barnhart seconded by John Szarowski to approve the June 7, 2022. Vote: All Ayes. Absent: Sal Patella (Excused). One Vacancy: Abstain: Todd Widmark.

July 5, 2022 meeting was cancelled

PUBLIC HEARING: There were no new hearings.

CONTINUATION PUBLIC HEARINGS: There were no continued public hearings.

APPEARANCES:

Carl Pinckney / Richard & Carolyn Pinckney:(105.2-1-36) Status of extension for Conditional Final Two Lot Subdivision with existing dwellings at 221 Greising Road on 13.430+/-acres located in RAG-4 District in Wallkill Central School District. Zachary A. Peters, PE, Carl Pinckney and Brian Paz, Esq. were present before the Board.

Letter dated July 20, 2022 from Ryan Smithem, E.I.T / MNTM was entered into record.

Mr. Peters said the Applicant received Conditional Final Approval on March 1, 2022 and asked for an extension to finalize the Approval Conditions and submit maps for final review and signature.

Mr. Watkins said the Board can only grant a 90-day extension for Conditional Final Approval; Tuesday, October 4, 2022 is 63-days; November 1, 2022 is 91-days to Planning Board meeting. An extension of 63-days can be granted to Tuesday, October 4, 2022 with the additional legal language for extension.

The Board discussed the extension and agreed to extend to Tuesday, October 4, 2022 Planning Board meeting and to include the required standard language and legal language added with the addition that it is not the responsibility of the Town to notify owners and/or applicants of extension deadlines for projects.

The deadline for submission for the October 4, 2022 meeting; if needed, is Friday, September 16, 2022 at noon.

Pinckney cont.

A motion was made by Richard Barnhart, seconded by Todd Widmark to grant a 63-day extension to Tuesday, October 4, 2022 for Conditional Final Approval for Lands of Richard & Carolyn Pinckney / Carl Pinkney Two Lot Subdivision subject to all conditions noted in the Filed Subdivision Plat Approval Resolution for Final Minor Two Lot Subdivision Plat granted by the Planning Board on March 1, 2022 with Schedule A – Conditions for Final Subdivision Plat Approval 1 through 7. Vote: Richard Barnhart, aye, Todd Widmark, aye, Patricia Turner, aye, John Szarowski, aye, Mark Watkins, aye. Vote: All Ayes. Absent: Sal Patella (Excused) None. One Vacancy: Abstain: None.

Michael / Tiffani Baker:(91.4-1-24.100) Proposed Two Lot Subdivision of 33.90+/-acres with existing dwelling at 525 Upper Mountain Road in the RS-1 District and Pine Bush School District. Michael Baker and John Nosek, PE were present before the Board.

The following items are entered into record: Letter dated June 26, 2022, stamped received July 13, 2022 from John Nosek, PE with attached Conceptual Conventional / Cluster 2-Lot Subdivision plans, memorandum dated July 29, 2022 from Bonnie Franson, AICP CEP, PP and email dated August 2, 2022 from Richard Hoyt, Esq.

Mr. Nosek said have resubmitted revised plans. The conventional plan shows the existing dwelling on one lot as well as a new cul-de-sac road to provide access to the new building lot. This conventional plan allows for a total of two lots; this layout fully conforms to the Town's Zoning Code. It may also be possible to further subdivide Lot 2 with the extension of the cul-de-sac via a loop road through a potential easement on adjoining lands which may allow a connection to Schneller Lane.

Mr. Nosek said we prefer the cluster plan layout; which provides a significant portion of the land to be held in a conservation easement; out of the 26.5+/-acre parcel; the cluster appears to preserve over 80% of the parcel.

Mr. Nosek said we are looking for the Board's comments; if the Board concurs, we are requesting a conceptual approval of the cluster layout in order to prepare the property survey, engineering design and proposed improvements.

Mr. Watkins said the slope of the proposed driveway is 12% grade.

Mr. Nosek said the Code calls for 12% grade.

Mr. Watkins said he is under the impression the Town may be looking to change to a 10% grade requirement. He asked if they have a prospective buyer for the parcel and that the calculations of areas of disturbances are 19,978 SF.

Mr. Nosek said he is trying to keep it under 20,000 SF.

Ms. Turner asked for clarification on what lot the conservation easement will be placed on.

Mr. Nosek said Lot 2; we are only proposed one (1) single-family dwelling and preserve the remaining lands.

Mr. Watkins asked Ms. Franson to discuss her July 29, 2022 comments.

Baker cont.

Ms. Franson said these are general and minor subdivision comments and read them into record.

1. Public hearing. A minor subdivision application requires a public hearing.
2. Cluster subdivision. Unless waived by the Planning Board, a cluster subdivision plan must be submitted. The applicant has submitted a cluster layout.
3. GML review. As per the agreement with Ulster County Planning Board, General Municipal Law review of this application is not required.

The below comments are repeat comments and were not addressed.

- 4 Notes. There are not any survey notes for the property or a datum on the plan. Were these improvements on the revised plan surveyed? This is a repeat comment.
5. Contours. Two-foot contours need to be provided at least in the developable area, to determine whether the roadway will meet standards and how the area will be graded. This is a repeat comment.
6. The dwelling should be noted as a “single-family detached” dwelling. The standard house relocation note needs to be added and the three distances shown. This is a repeat comment.
7. The Verkeerder Kill location should be noted on the map. It is also a class A stream. A standard stream note needs to be added – please provide the water quality classification on the map. This is a repeat comment.
8. Septic and well. Minimum separation distances for the proposed well and septic should be shown. This is a repeat comment.
9. UCDOH. What is the status of any Ulster County Health Department review and approval of the new septic system? Repeat comment - no response.
10. New driveway. A new curb cut will require approval from the Highway Superintendent. He will need to review if the driveway access point is adequate. Repeat comment.
11. Wetlands. Wetlands are present along the stream. These need to be netted out to determine the minimum lot area as per Section 177011 of the Shawangunk Zoning Law. Repeat comment – not addressed.
12. RS-1 clearing requirement. The regulations state as follows: “Structures and driveways. Not more than 20,000 square feet of area shall be cleared for the construction of any structure or improvement without site plan approval. Additionally, driveways longer than 250 feet that require tree removal shall submit a Driveway Plan to the Code Enforcement Officer showing the proposed plan of action prior to tree removal. Both the Site Plan or the Driveway Plan, as the case may be, shall reflect the least amount of impact to forest area as is practical. Any changes to the Site Plan must have written approval of the Planning Board and any changes to the Driveway Plan must have the written approval of the Code Enforcement Officer. The Code Enforcement Officer, in his or her sole discretion, may refer a Driveway Plan to the Planning Board for its approval.”

This requirement needs to be noted on the plan. The cluster plan shows disturbance being below this requirement, however, the limits of disturbance line is tight to the house and unrealistic. It is likely site plan approval would be required once a house is proposed.

Baker cont.

13. Recreation fee. As a new dwelling is proposed, will a fee in lieu of recreation be required? Also, note the following for properties in the RS-1 zone: "Recreation and open space. As a condition of approval, the Town may require up to ten percent (10%) of any parcel within a RS district for parkland, recreation and open space purposes, so long as this condition does not reduce the number of units allowable under applicable zoning. Such land shall be dedicated pursuant to Section (n) below." This should be discussed.
14. The Planning Board should determine whether the EMC should visit the site – it is within a Critical Environmental Area and within a significant natural community.

New Comments on Conventional Plan.

15. Lot 1 is a highly irregularly-shaped lot which is not consistent with subdivision regulations. It appears to be created this way to meet the minimum lot area requirements. What would be the size of the parcel without the long stem? If the road is wider than 50 feet, it could be reduced in width, and the applicant could pick up some lot area for Lot 1.
16. Did the applicant use the Town road specifications in designing the road? The road could not extend to Schneller Lane as it would exceed the cul-de-sac lengths.
17. Lot 1 becomes a corner lot. Which is the rear yard and which is the side yard? This is in order to determine lot width and lot depth.

New Comments on Cluster Subdivision

18. The cluster subdivision would preserve much land in an environmentally sensitive area. This seems to be a favorable layout if the conventional subdivision yields two lots.

SEQRA

1. Type of action. The proposed action, a minor subdivision, should be classified an Unlisted action. The Planning Board can conduct uncoordinated review. In determining the potential impacts of the project, the Planning Board must specifically consider the project's impacts to the characteristics of the CEA.
2. Short EAF. We had the following comments – a revised short EAF has still not been submitted:
 - Item 5, parkland should be checked. The site adjoins lands owned by the PIPC.
 - Item 10, it should be checked yes, if the new dwelling needs to meet the Energy Code.
 - Item
3. Visibility. The project is in the RS-1 zone. The following regulations apply: "Visibility. All structures shall be sited to avoid occupying or obstructing public views of land within the zoning district. Public views shall be considered to be from any location listed on the Visual Environmental Assessment Form (Appendix B of 6 NYCRR Part 617.20). These locations are frequented by the public and offer unobstructed views of the Shawangunk Ridge. Visibility shall be measured using a condition of no leaves on trees." An analysis needs to be performed to determine if this is met.

The cluster subdivision, if pursued, would likely reduce visibility from distant vantage points, as the dwelling would be closer to the road.

Ms. Franson said the cluster would be a benefit as it's part of the Critical Environmental Area of the ridge.

Mr. Nosek said if the Board is in favor of the Cluster layout can the Board provide conceptual approval?

Baker cont.

Mr. Watkins said before the Board can comment on the layout; the conventional yield for two lots needs to be confirmed.

Ms. Franson asked if there was a maximum slope within the Town road specifications? This will be checked.

Mr. Nosek said before expending clients funds for surveys, engineering etc.; he needs direction from the Board.

Mr. Hoyt asked why does the conventional plan show a proposed town road 220' foot wide? The Board has to evaluate whether the conventional design layout meets zoning in order to review a cluster layout; as the Code requires cluster layouts to be referred to the Town Board.

A lengthy discussion was held by Mr. Nosek, Planning Board and Town Consultant's on:

- Zoning requirements in order to determine yield;
- What the amount of bedrock is due to the significant cut (8 - 10' foot) to be made in order to have 12% grade for driveway access;
- Amount of maximum disturbance allowed within the RS-1 District (20,000 SF); over the maximum triggers Site Plan Review;
- Hypothetical town road layout requirements with hypothetical road access to private road Schneller Lane;
- Seven (7) acre zoning.

Mr. Watkins said the concern is the Zoning Law may not allow this proposal.

Mr. Nosek said he believes that he can revise the conceptual conventional layout to confirm yield in order to create one (1) new building lot; he asked the Board for the opportunity to return.

Mr. Watkins asked the Board if they would entertain again, a redesign with a stem / T – turnaround in order to obtain the required seven (7) acres for the front and return before the Board at the next meeting.

The Board agreed and said yes, they would entertain a redesign.

The application remains incomplete.

Christopher & Rosemary Budney/Clifford & Alisha Budney:(99.2-4-25 & 99.2-4-32.3 / 99.2-432.2) Proposed Lot Line Adjustments at 2496 Bruynswick Road / 66 Rutsonville Road of 39.76+/-acres in the RAG-2 District. Margaret Hillriegel, LS was present before the Board.

The following items are entered into record: Letter dated July 13, 2022 from Margaret Hillriegel, LS with application submission stamped received July 13, 2022 with Survey Plat and Lot Line Revisions for Lands of Christopher A. Budney & Rosemary H. Budney and Clifford & Alisha Budney dated July 11, 2022 and memorandum dated July 29, 2022 from Bonnie Franson, AICP CEP, PP.

Mr. Hoyt recused himself from review of the application.

Ms. Hillriegel said Mr. Budney will not be attending tonight's meeting. The applicants propose lot line revisions for lands of Budney located at 2496 Bruynswick Road and 66 Rutsonville Road.

Budney cont.

Ms. Hillriegel said the application is for a lot line change only; no new lots, nothing is being proposed. It is proposed that tax map parcel 99/2-4-25 (5 +/-acres) will be eliminated and combined with tax map parcel 99.2-4-32.3 (23.819+/- acres existing Budney horse farm). A small portion of tax map 99.2-4-32.2 (1.35+/-acres) will be combined with the horse farm, eliminating separation between the two parcels presently owned by Christopher and Rosemary Budney.

Mr. Watkins said this is the first application before the Board with the Town's new law and asked if the Board had any questions?

Ms. Turner said, so, there is nothing new proposed?

Ms. Hillriegel said oh, yes there is a house under construction; a lot line change was necessary to obtain a mortgage.

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

Ms. Franson said there has been a procedural change lot line adjustments / natural subdivisions are now subject to Local Law # 3 of 2022.

Ms. Franson discussed her comments.

General and Lot Line Adjustment comments.

1. Public hearing. A public hearing is not required and is optional for a lot line adjustment.
2. SEQRA. Lot line adjustments are Type II actions and not subject to SEQRA.
3. County referral. As a lot line adjustment, the application does not require Ulster County Planning Department review.
4. Application. The check box for a site visit is not checked. Applicant should confirm whether this is allowable.

Ms. Hillriegel she would need to speak with Mr. Budney.

Map Comments

1. The net lot area is not provided for Lot 3A. While it is a large lot, much of it is covered by wetlands according to secondary sources. It should be calculated from at least secondary sources, in order to ensure the minimum lot area is met.
2. The bulk requirements are not provided for Lot 3A. It should be based on that required for a horse farm and dwelling and any other uses on the site. This is a requirement of the lot line adjustment regulations.
3. Was the NYSDEC wetland validated by the NYSDEC recently? It extends onto Lot 3A, but environmental constraints have not been excluded from that lot.
4. Note that on the bulk table, lot coverage should be impervious surface coverage.
5. Outline of all the structures on Lot 3A are not provided. The note indicates a dwelling is present.
6. It is unclear why only the ponds have been mapped. It appears that more of the lot area of the lots along Rutsonville Road may contain wetlands. Lot 2A appears to have contained wetlands which have been graded and filled. This should be discussed.

Budney cont.

Ms. Hillriegel said she had reviewed Ms. Franson's July 29, 2022 comments and asked the Planning Board to waive the regulations within #1 and #2.

Mr. Watkins said we would have to check into that since this is first application under the new law.

Ms. Hillriegel said the Michael Nowicki delineated the wetlands on the property for the building permit.

Ms. Franson said she would need to confirm her comment #6; as she didn't believe it will affect lot area.

Ms. Franson said this is three (3) lots into two (2) lots why secondary map sources couldn't be used to provide the existing structures. We don't know how many uses are on these lots.

Ms. Hillriegel asked for guidance for secondary sources for plotting existing structures; should she use the County maps as she thinks they are inaccurate.

The secretary gave the Chair, the previously approved (9/4/1990) Peterson subdivision filed map.

Mr. Watkins and Ms. Franson reviewed the Peterson filed subdivision map; which shows all three lots currently before the Board; and the map was shown to the Board.

Ms. Hillriegel asked if the buildings on the Peterson filed map could be added to the Budney plan and said any new structures plotted would be approximate?

The Board agreed Ms. Hillriegel could use the Peterson filed map done by MNTM to plot the structures that currently exist and any new structure would be approximately shown on the property.

Mr. Watkins asked Ms. Hillriegel to please review the new Local Law #3 of 2022 and address the requirements and inform the office if the Planning Board can conduct a site visit.

Application remains incomplete.

David Aguasca & Jenna Kincaid:(99.3-2-14.111) Proposed Special Use Permit for Two Family dwelling and new structure located at 3130 New Prospect Road in the R-AG2 District and Pine Bush Central School District. David Aguasca and Jenna Kincaid were present before the Board.

The following items are entered into record: Application submission items stamped received June 16, 2022 with Site Plan for David Aguasca last revised 3/25/2022, UCDOH permit dated 9/27/2021, UCDPW Permit #7211 and memorandum dated July 29, 2022 from Bonnie Franson, AICP CEP, PP.

Applicant proposes to construct a two-family dwelling, 60' foot x 100'foot structure for workshop with septic and proposed driveway on approximately 58.4 +/-acres with active farm activities.

Mr. Aguasca said the workshop project would be many years away and I understand there might be an issue with setbacks.

Mr. Watkins asked is there a reason the workshop/barn structure can't be pushed back 100 feet? The Zoning requires accessory structures behind the principal dwelling (two-family) and can you explain why the structure requires septic?

Mr. Aguasca said the land is level there, I don't believe that would be an issue. He said the septic would be to for washing / packing produce, refrigeration for a farm stand to sell.