

Minutes of a Special and 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 6th day of September, 2022.

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



Absent: None. Also, present were Richard Hoyt, Esq., Bonnie Franson, AICP CEP, PP., Robert Wallner, Building Inspector / CEO, John Valk, Jr. Town Supervisor, Councilman Alex Danon, Richard J. Blazeski, Superintendent of Highways and Member John Russo, ZBA, Member Ryan Reid, ZBA and please see sign-in sheet.

Meeting location: Town Hall, 14 Central Avenue, Wallkill

Open Special Meeting: 6:00 pm

Emergency Exits Announcement

Moment of Silence – Pledge of Allegiance:

SPECIAL MEETING: PUBLIC SCOPING SESSION FOR EAGLES ROOST PROJECT

Lewis Donnelly:(106.004-1-6.200) Public Scoping Session for the Draft Environmental Impact Statement (DEIS) for the Lewis Donnelly / Eagle’s Roost proposed multifamily development land use application; 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. Lawrence Marshall, PE and Lewis Donnelly were present before the Board.

The following items were entered into record: Draft Scope for Draft Environmental Impact Statement (DEIS) for Eagles Roost Proposed Multifamily Development dated 8/127/22; email dated September 2, 2022 from David Tompkins, Member EMC request to add “invasive species” and notarized letter stamped received August 29, 2022 from Richard V. Langston, 4 Buena Vista Avenue.

Mr. Marshall said Mercurio, Norton, Tarolli, Marshall is the Engineering – Surveyor Firm for the development.

Mr. Marshall said the project is a proposed multifamily dwelling rental development which would include 92 dwelling units within six (6) buildings, and one (1) maintenance building with a proposed caretaker dwelling unit, for a total of 93 dwelling units. The lot is 25.797 gross acres and is located in the H-1 Hamlet zoning district and is entirely within the Borden Historic Overlay (BH-O) and partially within the Aquifer Overlay (A-O) zoning district. The site proposes an on-site trail and playground for use by the residents, and accessory parking, including parking and access to the Shawangunk Rail Trail. The property is within and would connect to the Town of Shawangunk public sewer and water supply districts. The proposal includes private infrastructure with private pump station sewage hookup.

Mr. Marshall said because of the wetlands on the property, the design layout main point entry access is Third (3rd) Street and second access off Buena Vista Avenue; to be designed as a boulevard.

Mr. Marshall said the prior property owner Lee Titus; had prior preliminary approval for 31 Lot Cluster Subdivision.

Donnelly / Eagles Roost Public Scoping Session cont.

Mr. Marshall said the studies, this site plan in front of the Board is at very early preliminary stage; we still have to do the engineering for water & sewer, stormwater, traffic, lighting, additional landscaping. We do show some landscaping – we have provided a double row of pine trees at the backside of homes on Buena Vista Avenue.

Mr. Hoyt introduced himself; he is the Town of Shawangunk Attorney. This is a Public Scoping Session. The Planning Board decided, which is optional, to mail a notice to every resident within 500' foot radius of the property boundary lines for this Scoping Session. A formal Public Hearing will happen later in the review process where every resident within 500' foot radius will receive a Public Hearing Notice.

Mr. Hoyt discussed the overview of a Public Scoping Session; tonight, is for comments and the questions you want answers to. Tonight, is not to answer them.

Mr. Hoyt said some of you may have looked at the 28-page Draft Scope that the Town prepared. All of the comments received are considered for the scope of the Draft Environmental Impact Statement (DEIS). The DEIS that the applicant must provide, will include studies to analyze the impacts to the environment.

Public comment:

Ron Weller, 9 Buena Vista Avenue: Will there be a pumping station? The last proposal there was.

Mr. Marshall replied yes there will be a pumping station; it won't be the same as the prior project and it will be privately owned.

Delbe Spathe, 64 Bona Ventura Avenue:

- He is opposed to the dead-end road due to safety issues; road should go through the wetlands; if it can't then build a bridge;
- Concerned for traffic hazards at the intersections of Second and Third Street with NYS Route 208;
- Requests traffic lights be added to intersections of Second and Third Street with NYS Route 208;
- Will the municipal water and sewer systems handle the additional 150+ people?
- Buildings that are 2-3 stories the Fire Company is going to need a ladder truck.
- Will this whole project be tax exempt or seek relief? I don't think that would be right; they should pay their own taxes; they aren't employing anybody.
- Will this project be Section 8 Housing?

Dave DiBlanca, 20 Buena Vista Ave:

- There will be a reduction in our home values;
- 1-2 bedrooms apartments don't attract families; it more likely will be transient housing or low-income housing
- What is the time frame for normal construction of the project versus the reality

Richard Blazeski, 50 Sinsabaugh Road: Are these going to be owned or rented?

Mr. Watkins said the applicant has said rented.

Donnelly / Eagles Roost Public Scoping Session cont.

John Russo, 35 Long Lane, Representative Wallkill Fire Company:

- Will there be enough water supply
- Will there be water storage on site for fire suppression
- Are the water lines able to handle the system
- Consideration for emergency access around the site; road should be 20' foot wide
- What is the height of the buildings
- Fire apparatus will require 26' foot wide
- Site development is to be according to NYS 2020 Building Code with Section 503 C. and D.
- Where will the hydrants be placed
- Concern for emergency services access as designed; if an event occurs blocking this area where there are four (4) larger buildings that may not be accessible
- Requesting the road access be a through road through the wetlands and not a dead-end road

Andrew Ghiorse, 436 Plains Road: Asked that a study on the number of garbage and recycling trucks and dumping be included.

Susan Hansen, 103 Third Street:

- Asked what will the number of vehicles be
- Third Street is very narrow and she has experienced difficulties with her large personal truck trying to pass other larger vehicles, a school bus, delivery trucks etc.
- Said the mailing of the 500' radius should be a wider radius that goes to the whole community
- Why is the project so big?
- Why so many units?
- Does the project need to be this big and that many units to be a success for the Town; could it be smaller and still benefit the Town?
- Who will be responsible for the buildings, pump station and private infrastructure if the project goes debunk, the Town tax payers?
- Asked for clarification on what are the recreation fees
- What the recreation fee benefit is
- If they are providing recreation does the whole Town benefit?

Supervisor Valk responded – recreation fee is \$2000 per lot or unit.

Ryan Reid, 90 Viola Street:

- Has any soil testing been done?
- Concerns the soil won't handle the weight of the buildings.
- Have the wetlands enlarged since the 2004 Survey?

John Valk, Jr. Town Supervisor:

- Asked if the recreation being provided will meet the needs of the project?
- Asked if the recreation being provided is in lieu of paying recreation fees?
- Will the recreation being provided be open to the public?

Donnelly / Eagles Roost Public Scoping Session cont.

Richard Langston, 4 Buena Vista Avenue:

- Letter stamped received August 29, 2022 with attached photographs was received.
- Resident here for fifty (52) years
- The project proposed is adjacent to his property; the Buena Vista access road is near his property;
- If this project is built to high, it will force water back onto his and neighbor's property. Neighbor's property has a wet area all the time, water seeks the lowest point that goes towards the rail trail then traverse along the rail trail down then exits to the Wallkill River.

There is water on the back side on my property and neighbor's and along his driveway.

He said he has written books; and this area was called a basin; it's a marsh area. I tried bringing up this information in March; Buena Vista Avenue's Road runoff runs into an open ditch/trench down into this property. With 93-families an open trench could become a danger to children.

The road is close to my property, I would like to see it moved over as the runoff could back up onto mine and my neighbor's property.

I don't know how many studies are needing to be done or if old studies from the previous project will be grandfather in; my hope is the Board will be looking for an impartial review of the required studies.

Mr. Watkins said the applicant has to address runoff water and the water on his property.

Tracy Nestved, 40 Buena Vista Avenue:

- Ask if any answers to the Draft Scope were given out tonight?
- Said the entire area that is behind her house is wet
- The additional traffic is an impact
- This will change our small neighborhood
- The 9" inch sewer pipes will need to be increased in size
- How will they handle the natural aquifer that is there in the scope?

Shawn Roebuck, 1 Buena Vista Avenue:

- He is concerned on how to stop people from walking on his property.

Ms. Franson asked if after tonight's Public Scoping, will the Board allow additional time for other comments to be submitted?

Mr. Watkins suggested to the Board, to allow additional written public comments to be received by Friday, September 16, 2022.

Mr. Hoyt said the oral comments received tonight from the public do not need to be submitted in writing. Only any new comments anyone would like to submit after tonight's meeting.

Mr. Hoyt said all outside agencies that have received the notifications may need more than a week and a half in order to respond back to the Planning Board. The Town will review all agency comments up to the adoption of the Final Scope.

A motion was made by Richard Barnhart, seconded by Sal Patella to grant additional time for written public comments to be received by Friday, September 16, 2022. Vote: All Ayes. Absent: None. One Vacancy. Abstain: None.

Open Regular Meeting

Approval of Minutes of August 2, 2022 was tabled.

PUBLIC HEARING: There are no new hearings.

CONTINUATION PUBLIC HEARINGS: There are no continued public hearings.

APPEARANCES:

Joseph & Laurinda Tesi / Carol J. Mann & Michael Antinucci:(106.1-2-1.221 / 106.1-1-3.111)
Proposed Lot Line Adjustment at 1772 Albany Post Road in the R-AG4 District and Wallkill Central School District. Joseph Tesi, Michael Antinucci and Lawrence Marshall, PE were present before the Board.

The following was entered into record: Applicant's submission stamped received August 11, 2022, Narrative dated July 27, 2022, Deed Description dated May 23, 2022; Survey Map & Lot Line Change for Tesi, Mann & Antinucci last revised 5/6/2022 Sheets 1 & 2; email dated September 6, 2022 with attached deeds from Lawrence Marshall, PE dated September 6, and Bonnie Franson, AICP CEP, PP memorandum dated September 6, 2022.

Mr. Marshall said the applicants are proposing a lot line change transferring 4.166 +/-acres from Tax Parcel 106.1-1-3.111 Lands of Mann & Antinucci (172.5+/-acres) fronting Hoagerburgh Road to Tax Parcel 106.1-2-1.221 Lands of Tesi (5.96+/-acres) fronting Albany Post Road.

Mr. Marshall said Mann & Antinucci deed reflects ownership of the section of the Dwaarkill to Lands of Tesi and the approximate 4.2+/-acres is from the back of the Tesi property to the water's edge of the Dwaarkill.

Mr. Watkins requested a map note be added that there is no clearing or disturbances within 50' foot of the Dwaarkill.

Mr. Hoyt asked for other deeds; the pre-existing non-conforming Bronfman parcel which predates zoning; that notes be added.

Mr. Hoyt said the existing access agreement with the out parcel (Bronfman) and others; he said didn't feel necessary to review for this application.

Mr. Hoyt asked who asked for the note the 4.166+/-acre parcel to be conveyed is to remain open space with no structures built upon it?

Mr. Antinucci said the note came from them.

Mr. Watkins asked Ms. Franson to discuss her September 6, 2022 comments.

Ms. Franson read her September 6, 2022 comments into record.

General and Lot Line Adjustment Comments

Note: Lot line revisions are now subject to Local Law 3 of 2022.

1. Public hearing. A public hearing is not required and is optional for a lot line adjustment.

Mr. Watkins asked if the Board wanted to waive the Public Hearing for this Tesi / Mann & Antinucci Lot Line Adjustment?

Tesi cont.

A motion was made by Richard Barnhart, seconded by John Szarowski to waive the Public Hearing for this Tesi / Mann & Antinucci Lot Line Adjustment. Vote: All Ayes. Absent: None. One Vacancy. Abstain: None.

2. SEQRA. Lot line adjustments are Type II actions and not subject to SEQRA.

Mr. Hoyt asked the Board to vote to deem the application a Type II Action.

A motion was made by John Szarowski, seconded by Sal Patella to deem the Tesi / Mann & Antinucci Lot Line Adjustment a Type II Action. Vote: All Ayes. Absent: None. One Vacancy. Abstain: None.

3. County referral. As a lot line adjustment, the application does not require Ulster County Planning Department review.
4. Application. The Project Narrative indicates NYSDEC wetlands are present on Lot 3.111, but the applications indicate NYSDEC wetlands are not present.
5. We defer to the Town Attorney regarding the deed review.

Mr. Hoyt said Deed description was provided.

Mr. Marshall said they will provide new deeds for Mr. Hoyt's review.

Map Comments

1. The net lot areas are provided. The applicant calculated the wetlands based on secondary sources. While this is a reasonable approach, the hydric soils (wetland soils) should also be located, and the streams on Lot 3.111 shown. The map provided is not a conservative estimate of constrained lands. We believe the lots will still meet the minimum required.
2. With regard to the requirements of new section 177-38 for lot line adjustments:
 - No new lot is being created;
 - The lot line adjustment that is proposed will not preclude future subdivision or impede access or utility service;
 - It does not create any nonconformities;
 - The lot line adjustment would not disturb a floodplain, ACOE or NYSDEC wetland, steep slopes, and it does not appear that it would cause them to be disturbed in the future.
3. As this is a lot line adjustment, it is unclear whether the standard notes, e.g., agricultural and wetlands, is necessary. The Planning Board should make a policy determination in this regard.

Mr. Watkins said the result in the end is this is a filed map with the County; and the standard notes are to be placed on the map.

4. On Sheet 1, where it indicates "New Lot Area" in the box, it should include the term "Gross".

Mr. Marshall said it will be corrected.

5. On Sheet 2, Note 4, should the note also apply to Hoagerburgh Road?

Mr. Marshall said for the record; they didn't survey the Mann / Antinucci 172.5+/-acre parcel; they will add Hoagerburgh Road to Note #4 on Sheet 1 and Item # 5 on Ms. Franson comment.

Tesi cont.

6. On Sheet 2, the hydric soils and the streams on Lot 3.111 should be shown.

Ms. Franson recommended to the Board for hydric soils and streams to be shown.

Mr. Watkins indicated to add the information on the final plan.

Mr. Watkins suggested the Planning Board consider granting Conditional Final Approval.

Mr. Hoyt said this is a new process and the Board could vote on it tonight with conditions; the Board could have Ms. Franson draft a resolution or rely on the minutes.

Mr. Hoyt said after review of prior approved James B Crowell filed subdivision maps; he has a clearer picture of this proposal and the voluntary open space.

Mr. Hoyt said to add normal references to the filed maps.

Mr. Watkins said he agrees for Ms. Franson to draft a Final Resolution with conditions; and the Board agreed.

Mr. Hoyt said the Resolution should include items the applicant submitted; recite the date application was filed; reviews by Ms. Franson office, the comments that were raised; all map notes and map name corrections; Type II Action; final review of the map, no new building sites and no recreation fees.

A motion was made by Todd Widmark, seconded by Richard Barnhart to granted Conditional Final Approval for the Tesi / Mann & Antinucci Lot Line Adjustment subject to Ms. Franson drafting the Final Conditional Resolution with the list of conditions discussed above. 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: Board discussion on items within the Conservation Easements.

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

The following was entered into record: Letter dated September 1, 2022 from Lawrence Marshall, PE with Survey Map & Cluster Subdivision Plan for Mako Homes, Inc. Sheets 1 of 7:

Sheet 1 of 7	Survey Map & Cluster Subdivision Plan	last revised 9/6/2022;
Sheet 2 of 7	Cluster Subdivision Overview	last revised 1/18/2021;
Sheet 3 of 7	Cluster Subdivision Detail	last revised 8/31/2022;
Sheet 4 of 7	Construction Detail Sheet	last revised 8/31/2022;
Sheet 5 of 7	Soils Testing Results	last revised 3/12/2020;
Sheet 6 of 7	Well & Sewage Disposal System Detail I	last revised 3/12/2020;
Sheet 7 of 7	Well & Sewage Disposal System Detail II	last revised 3/12/2020.

Mr. Marshall said we are before the Board to finalize items within the two Conservation Easements:

- Number of animals allowed for first thirty (30) years
- Number of animals allowed after thirty (30) years
- Size of accessory agricultural structure
- Location placement for accessory agricultural structure
- Location placement for Conservation Easement Markers