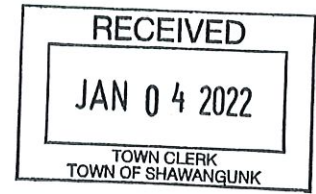


Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Town Office Building, 14 Central Avenue, Wallkill, New York, on the 6th day of December, 2022.

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



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

Meeting location: Town Hall, 14 Central Avenue, Wallkill

Open Regular Meeting: 7:00 pm

Emergency Exits Announcement

Pledge of Allegiance:

Approval of Minutes of November 1, 2022

A motion was made by John Szarowski, seconded by Todd Widmark to approve the Minutes of November 1, 2022. Vote: All Ayes. Absent for this vote: Patricia Turner. One Vacancy: Abstain: None.

PUBLIC HEARING: There were no new hearings.

CONTINUATION PUBLIC HEARINGS:

David Agasca & 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. See Public Hearing Minutes.

APPEARANCES:

Elixir Design Build, LLC / Blue Chip Farms: Proposed Sketch Plan for Subdivisions, multiple Special Uses with Site Plan on 677.3 +/-acres located at 807 Hoagerburgh Rd, Bates Ln, Old Fort Rd, Whiskey Hill Rd in the R-AG4 District and Wallkill Central School District. Applicant – David Alexanian, Stuart Mesinger, AICP LaBella Associates and John Cappello, Esq.

The following items were entered into record: Applicant's submission dated October 14, 2022 with application(s), other materials and Conceptual Sketch Plan stamped received November 21, 2022 and memorandum dated December 5, 2022 from Bonnie Franson, AICP CEP, PP.

Mr. Mesinger discussed the State Environmental Quality Review Act (SEQRA) process; that the Board intends to issue a Positive Declaration on the project which will require them to prepare a Draft Environmental Impact Statement (DEIS). He requested for the Board to declare their intent for Lead Agency and circulate the Notice of Intent (NOI) to start the SEQRA process.

Mr. Mesinger said Ms. Franson's memo has minor Environmental Assessment Form (EAF) comments and will address them and provide the updated EAF.

Mr. Mesinger said it doesn't make sense to give a Site Plan to start the SEQRA process. The Town's Site Plan requirements will be in the Environmental Impact Statement (EIS) along with all the environmental studies etc.

Mr. Mesinger said we met with the NYSDEC twice, as this land a butts the Shawangunk Grasslands we know we have to conduct an Archaeological Study, we know we have engineering to be done; we perceive the environmental could take one (1) year to eighteen (18) months. We have to start somewhere and starting the SEQRA process is being requested.

Elixir Design/Blue Chip cont.

Mr. Cappello discussed legal aspects pertaining to the SEQRA process and how they would like it to move forward; we all know the project's direction is going to submit the EIS. We need the Planning Board to declare their intent for Lead Agency and hear their initial comments. We will draft the Draft Scoping Document and do all the engineering. Doing a Site Plan now is counterproductive; we'd prefer to get all involved agencies comments and concerns now.

Mr. Watkins said I understand your position and where you are coming from. However, it's not that simple to me; it's an incomplete application, the yield is undetermined, no engineering, no site plan and we need to see a viable project.

Mr. Hoyt said he agrees with Mr. Cappello; the SEQRA process should start. When will an updated EAF be submitted? The Board tonight could declare their intent for Lead Agency and get in front of this review. Begin the SEQRA process, do the lead agency circulation; then do a positive declaration on the project then we do the draft scoping document and public scoping.

Ms. Franson said the project narrative needs to be updated in order to let agencies know what the proposal entails and provide agency list for the NOI for comparison. Her review comments have been provided; this is a concept plan and would like a little more information added to the plan before sending out to agencies. Such as what is being subdivided, if wetlands have been delineated, where will the waste water treatment plant be etc.

Mr. Mesinger said it's easy to do a subdivision plan, lead agency list – we did send, you didn't get it? I agree and will update the EAF and will get the stuff to the Town next week.

A motion was made by Richard Barnhart, seconded by John Szarowski to declare the Planning Board's intent for Lead Agency for Elixir Design Build, LLC / Blue Chip Farms – Shawangunk Property. Vote: All Ayes. Absent: None. One Vacancy. Abstain: None.

Mr. Mesinger said they will send off a draft scope for the January meeting and would like to schedule a special meeting and start on the EIS.

Mr. Hoyt said the Board needs to render a Positive Declaration first on the project; then we have sixty (60) days to adopt the Scope. I suggest you hold a public scoping session before you adopt the Scope.

Mr. Szarowski asked how is the Board going to this project without details on the plan?

Mr. Watkins agreed and said the Board should have a viable project to show the public.

Mr. Mesinger discussed the calculations for the water treatment plant.

Mr. Watkins said there is no way to get done what you're pushing in two months.

Mr. Szarowski said this is a difficult site, what are the Dwaarkill grades on site? Endangered species? Archaeological Studies? Have you submitted to NY State Historic Preservation Office (SHPO)?

Mr. Mesinger said we have done a 1A and we have to do a 1B.

Mr. Mesinger said its extremely expensive to do these studies and by March; we want to have a scoping outline.

Mr. Cappello said we will work with you and get you all the information you need and grant time extensions.

Ms. Franson said to recap, the Planning Board has declared their intent to be Lead Agency; the Town needs to circulate for Lead Agency and you're going to submit another plan with the additional information as discussed and the revised EAF to be reviewed in order to circulate the NOI?

Elixir Design/Blue Chip cont.

Mr. Hoyt said once the Planning Board is Lead Agency; the Board could declare a Positive Declaration on the project.

Ms. Franson asked that time frames for SEQRA procedures be known in the event time extensions are needed.

Mr. Watkins said in his opinion what is being requested could take 2-3 meetings; not done in 60 days.

Mr. Mesinger said once you see the draft scoping document, we are submitted for the January meeting; you will see what will happen and what is to be addressed.

Mr. Cappello said we are not going to hold the Board to time schedules; we will grant time to the Board to be comfortable with the submissions of information.

Mr. Hoyt said in a perfect world, but we don't live in a perfect world; the Board possibly at the February meeting could render a Positive Declaration on the project.

Mr. Barnhart said you stated that you have had preliminary meetings with the NYSDEC?

Mr. Mesinger said yes, we have met twice to look at this application and land; we understand the bird will use this land as a refuge; so, we are designing it to create a bird habitat for the golf course; mowing, rotating plantings etc.

Mr. Barnhart asked if this proposal will anticipate condominium type housing?

Mr. Alexanian said no to condominium housing. This will be a resort with 100 cabins, restaurant, spa etc., golf course and sixty-nine (69) single family homes.

Mr. Barnhart asked to you envision this as a destination resort that people would travel to visit?

Mr. Alexanian said yes that is our thought.

Ms. Franson asked are the cabins going to be owned by one entity? Will they be like timeshares?

Mr. Alexanian said not they will not be timeshares. He said like the hotel concept renting rooms; this will be 100 cabins being rented by one entity for 1-2-month rentals.

Ms. Turner asked for clarification on the concept plan, if these were separate cabins with separate parking areas?

Mr. Alexanian said if your familiar with the Wildflower concept in Gardiner; this is similar, this will be a year-round resort, you will park your car in an area and then be taken by electric vehicle driven to your cabin rental.

Ms. Turner asked that access to the cabins and single-family homes be defined and will the public be permitted to use the golf course?

Mr. Alexanian said members will have priority to the golf course and yes, the public will be allowed.

Mr. Watkins said this is a great concept and we need to see how it works in the Town's zoning.

Mr. Barnhart asked how will you handle the single-family homes if someone wants to rent out their home or Air B n B the home?

Mr. Cappello said it will depend on the Town's zoning at that time.

Elixir Design/Blue Chip cont.

Ms. Turner asked if there will be a Home Owners Association (HOA)?

Mr. Alexanian said we plan to handcuff the single-family dwelling owners on where to build and what can be disturbed.

Ms. Turner asked how will the golf course work?

Mr. Alexanian said we are proposing a twelve (12) hole golf course; designed like Scotland courses with fairways and greens with wildlife approach.

Mr. Widmark asked how the traffic will be addressed with bikes, walking, electric vehicles; the roads are narrow and there is a huge amount of traffic potentially.

Mr. Patella asked about the road for the sixty-nine (69) single family dwellings.

Mr. Mesinger said they will be subdivided; we are proposing one (1) acre lots. We still need to delineate the wetlands to determine the number of units / yield allowed – the As of Right count.

Mr. Szarowski said there are regulations for the number of lots that trigger for a water treatment plant.

Mr. Watkins asked if there will be any future subdivision on the remaining lands for Blue Chip equestrian farm?

Mr. Mesinger said they have had discussions of further subdivision on the farm.

Mr. Patella discussed geothermal pumps, pumps, in the future would NYS require it in the Stretch Code?

Mr. Wallner said the implementation of the Stretch Code is a couple years and it might be subject to it.

Mr. Mesinger said they will revise the EAF and plan resubmit by the week or later.

The application remains incomplete.

DISCUSSIONS:

Introductory Local Law #7 of 2022: A local law to Amend Hamlet of Wallkill Gateway Zoning District.

The Board discussed Introductory Local Law No. 7 of 2022.

Mr. Hoyt said the district boundaries are being expanded by 250 feet for a total of 500 feet South of Rt. 208 / Rt. 300 and includes a map change. The intent of the law was to encourage business growth and lessen mandatory language in the existing law.

Ms. Franson said the law amendment also would allow an increase in the maximum percent of allowable impervious surface coverage, subject to meeting standards to ensure the development does not impact the underlying aquifer's water quality.

A motion was made by Todd Widmark, seconded by Sal Patella to support Introductory Local Law No. 7 of 2022.
Vote: All Ayes. One Vacancy. Absent: None

A memorandum from the Planning Board will be sent to the Town Board.

CORRESPONDENCE:

Michael Brander: Letter dated November 15, 2022 from Mark Watkins, Chair – re: 46 Wildrick Road was entered into record.

Darren Doce: Response email dated November 28, 2022 with attachments – 46 Wildrick Road was entered into record.

Mr. Watkins asked the Board if they reviewed the correspondence for 46 Wildrick Road? He recommended to the Board for the Planning Board to retain a wetland consultant to compare the Applicants wetland delineation by Michael Nowicki, Biologist and the Town's Environmental Management Council (EMC) report.

Mr. Watkins asked the Board if they agreed?

The Board agreed.

Mr. Watkins said the Planning Board can attend the site visit short of having a quorum in the field; this will be scheduled as soon as feasible.

Lot Line Adjustment procedure policy discussion:

Mr. Watkins said after discussion with and review of Mr. Hoyt's comments; he now understands and agrees that unnecessary costs could occur and he is not in favor of that. However, he is in favor that the parent parcels are informed in writing for Lot Line Adjustment projects.

Mr. Hoyt said he has provided a draft letter to be used to inform applicants who received the Board's conditional approval of their application; that it will be necessary for them to inform a private attorney of their choosing to prepare and submit an original Deed, TP-584 and RP-5217 effecting the transfer of the property to the adjacent owner. That these original documents must be recorded with the signed map with the Ulster County Clerk all at the expense of the applicant. That private counsel should advise you as to releasing the transferred parcel from any existing liens of the Grantor, Seller or Transferor. Also, while not required by the Planning Board, to discuss with your advisors whether or not 2 new perimeter Deeds should be recorded reflecting the added acreage to the receiving property and the reduced acreage of the sending parcel.

Mr. Hoyt said also, to add to this discussion; if there were two (2) to three (3) acre lots before the Board for a lot line adjustment; it would be appropriate for the Board to require both parcels to survey everything.

A lengthy discussion was held by the Board with Mr. Hoyt on what is required to be filed with Real Property for Ulster and/or Orange Counties. Mr. Hoyt discussed the three-deed process; that Title Companies like everything to be perfect; but we don't live in a perfect world. Mr. Reid added discussion of the Title Company process.

Mr. Watkins asked the Board to consider and make it a Planning Board procedure policy.

Mr. Szarowski and Ms. Turner were fine with the procedure; but when lots are being created corner pins should be set.

Lot Line Adjustment procedure policy discussion cont.

A motion was made by Todd Widmark, seconded by Patricia Turner to set Planning Board Policy to provide written notice to applicant's that receive Planning Board conditional approval for Lot Line Adjustments:

That it will be necessary that a private attorney of your choosing prepare and submit an original Deed, TP-584 and RP-5217 effecting the transfer of the property to the adjacent owner. These original documents must be recorded with the signed map with the Ulster County Clerk all at the expense of the applicant.

Private counsel should advise you as to releasing the transferred parcel from any existing liens of the Grantor, Seller or Transferor.

Also, while not required by the Planning Board, discuss with your advisors whether or not 2 new perimeter Deeds should be recorded reflecting the added acreage to the receiving property and the reduced acreage of the sending parcel.

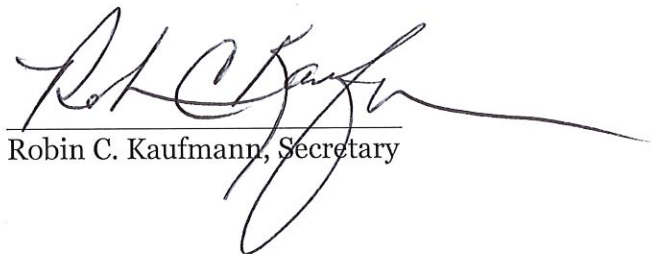
Vote: All Ayes. Absent: None. One Vacancy: Abstain: None.

Next Regular Meeting to be held on **"Tuesday", January 3, 2023**

Dead line for submission is **"Friday, December 16, 2022"** at noon.

ADJOURNMENT: A motion was made to adjourn the meeting by Todd Widmark, seconded by John Szarowski.
Vote: All Ayes. Absent: None. One Vacancy: Abstain: None. The meeting was adjourned at 8:42 pm.

Respectfully submitted,



Robin C. Kaufmann, Secretary

Minutes of a Continued Public Hearing 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 December, 2022 for Special Use Permit for application of "David Aguasca & Jenna Kincaid".

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

Absent: None. Also, present were Richard Hoyt, Esq, Bonnie Franson, AICP CEP, PP., Robert Wallner, Building Inspector / CEO, Ryan Reid, Member ZBA and please see sign-in sheet.

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 was present before the Board.

The following items were entered into record: Ulster County Planning Board Referral Number 2022182 response – No County Impact and Draft Special Use Permit Approval Resolution dated December 6, 2022 pages 1-4.

Mr. Aguasca provided updated Site Plans at the meeting; Site Plan for David Aguasca last revised 1/30/2022.

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

Mr. Widmark asked what will the 60-foot x 100-foot barn structure be used for? Will there be anyone living in it?

Mr. Aguasca said the plan is to grow vegetables to sell, have a farm stand; the barn will have a wash rack packing produce area, walk in cooler refrigeration for a farm stand to sell. There will be separate wells for the dwellings and barn. Also, we will continue to lease the land for grazing cattle.

Mr. Aguasca said no, there will be no housing in the 60-foot x 100-foot barn structure and we may be reducing the size of the barn.

Mr. Watkins asked Mr. Hoyt to discuss his comments to the draft resolution.

Mr. Hoyt said the submission is for two family dwelling – one with four bedrooms and two bedrooms in the other unit. The UCDOH permit spells out information that is not consistent with the floor plans submitted in October. The floor plan should be changed to meet the DOH permit; the fourth bedroom shall be changed and labeled “office”; add the Town’s Agricultural note to the Site Plan. He recommends additional conditions for the approval be added, House Relocation Note to be Condition 7, Agricultural Note to be Condition 8 and add a Condition #9 for final plan notes and map prior to filing the site plan with the special use permit.

Mr. Watkins said the floor plans for both units needs to be updated and submitted.

Mr. Watkins asked if there were any further comments or questions from Board or audience? There were none.

A motion was made by Todd Widmark, seconded by John Szarowski to close the Continued Public Hearing for Special Use Permit for David Aguasca & Jenna Kincaid two-family dwelling. Vote: All Ayes. Absent: None. One Vacancy. Abstain: None.

TOWN OF SHAWANGUNK PLANNING BOARD SPECIAL USE PERMIT APPROVAL RESOLUTION

David Aguasca Two-Family Dwelling Special Use Permit
3130 New Prospect Road
Applicant: David Aguasca and Jenna Kincaid
Property Owner: David Aguasca and Jenna Kincaid

Aguasca / Kincaid cont.

WHEREAS, the Planning Board of the Town of Shawangunk received a special use permit application dated June 15, 2022, proposing the construction of a two-family dwelling on a portion of an existing 58.4-acre parcel that maintains frontage on New Prospect Road (County Route 7). The proposed two-family dwelling consists of two dwellings, one with four bedrooms and one with two bedrooms. The septic system has been designed for a duplex with three bedrooms each, and the minimum net lot area is at least six (6) acres to accommodate the two-family dwelling and the agricultural uses. The dwellings will be served by one individual well. Four parking spaces will be provided. In addition to the two-family dwelling, a septic system and individual well will service a proposed 60-foot by 100-foot barn which is separate and not the subject of this application; and

WHEREAS, the property that is the subject of this application is designated on the Town of Shawangunk Tax Maps as S/B/L 99.3-2-14.111 and situated in the R-Ag2 zoning district. The R-Ag2 district allows two-family dwellings by special use permit, and the special use permit standards allow one-, two-, or three-bedroom dwelling units as part of the two-family dwelling; and

WHEREAS, the action is situated on a property which is located within a state-certified agricultural district. The Applicant proposes to cultivate the property for field crops and grazing; and

WHEREAS, the subject premises has received a waste disposal permit from the Ulster County Department of Health, Environmental Health Services, dated April 4, 2022, for three bedrooms in each duplex; and

WHEREAS, the subject premises has received a minor access permit from the Ulster County Department of Public Works, dated December 20, 2021; and

WHEREAS, the Planning Board received a short Environmental Assessment Form, Part 1 for the two-family dwelling, dated September 15, 2022. As per the regulations implementing the NY State Environmental Quality Review Act (SEQRA), the construction of a two-family dwelling is a Type II action and not subject to SEQRA; and

WHEREAS, the Planning Board opened a public hearing on the special use permit on November 1, 2022, and continued said public hearing until it was closed on December 6, 2022; and

WHEREAS, as the special use permit involves land fronting to a County Road, the application is subject to General Municipal Law ("GML") review by the Ulster County Planning Board ("UCPB"). The UCPB issued a GML review letter regarding the special use permit application dated November 3, 2022, which indicated there would be No County Impact; and

WHEREAS, the Applicant submitted a site plan entitled "Site Plan for David Aguasca" prepared by MNTM, PC., last revised 11/30/22, consisting of the following three sheets:

Map No.	Sheet	Name	Last Revision Date
1/3		Site Plan	11-30-22
2/3		Soil Testing Results	11-30-22
3/3		Well & Sewage Disposal System Details	3-25-22

WHEREAS, the Applicant submitted various floor plans and elevations prepared by First Day Cottage as part of the record; and

WHEREAS, the Planning Board has duly considered the record, together with the action, public and consultant comments, the special use permit, site plan and supporting data.

NOW, THEREFORE, BE IT RESOLVED that:

Aguasca / Kincaid cont.

Findings. The Planning Board approves the proposed special use, a two-family dwelling in the R-Ag2 zoning district, subject to the conditions attached to this special use permit resolution. Compliance with these conditions shall be a continuing obligation on the part of the Applicant or its successors, and noncompliance shall be grounds for revocation of the special use permit and any and all other actions and proceedings as provided by law.

The Planning Board has reviewed the amended special use application against the nine (9) general standards applicable to all special use permits as set forth in Section 177-25.C of the Town Zoning Law and finds that the application will comply with these standards provided there is continual compliance with all of the conditions attached hereto.

The Planning Board further finds that the application meets the specific standards for two-family dwellings set forth in Section 177-29.F of the Town Zoning Law, provided the two-family dwelling is amended as per the conditions set forth in Attachment A.

Special Use Permit and Site Plan Approval. Subject to the conditions attached hereto as Schedule A, the Shawangunk Planning Board grants special use permit approval to the Aguasca two-family dwelling as shown on a site plan entitled "Site Plan for David Aguasca", last revised 11/30/22.

Change of Use Shall Require Approval. This resolution allows the specific principal use set forth herein and in the attached Project Narrative, namely, a two-family dwelling. Any change of use shall be subject to Planning Board review and approval.

Upon motion of Member Widmark, seconded by Member Szarowski, and the affirmative vote of 6 members, the negative vote of 0 members, the abstention of 0 members, 0 members being absent, and one vacancy, the Planning Board approves the special use permit and site plan for the Aguasca two-family dwelling.

Planning Board Member	Roll Call Vote			
	Aye	Nay	Abstain	Absent
Richard Barnhart	X			
Sal Patella	X			
Patricia Turner	X			
Mark Watkins	X			
Todd Widmark	X			
John Szarowski	X			
Vacancy				

Dated: December 6, 2022

Dated: December 6, 2022

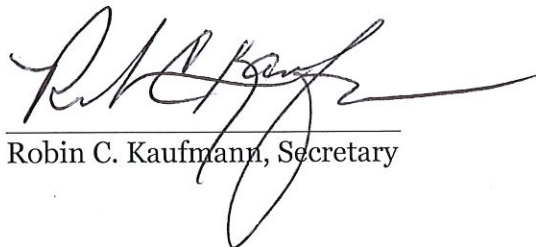
Contact Person: Mr. Mark Watkins, Chairperson
 Town of Shawangunk Planning Board
 PO Box 247
 Wallkill, New York 12589
 (845) 895-3356

Aguasca / Kincaid cont.

SCHEDULE A - CONDITIONS FOR SPECIAL USE PERMIT APPROVAL

1. Submission of five (5) final site plans in proper form, revised so as to conform with the conditions of approval set forth herein, and signed by the owner and the duly licensed professional who prepared the site plan, and to be signed by the Planning Board Chairperson upon a determination that the conditions set forth herein have been met.
2. Payment of all outstanding application, review, and other fees applicable to review and approval of the special use permit, site plan and subdivision applications.
3. All electrical utilities shall be underground.
4. The barn shall be located behind the two-family dwelling front setback line as it is an accessory structure.
5. The Applicant shall comply with the floor plans and building elevations submitted with the application and listed previously in this approval resolution except that the 4th bedroom (labeled "spare bedroom/office") shall be changed to "office" to comply with the Ulster County Department of Health Approval and with Zoning Law 177-29(F).
6. Nothing herein is intended to allow any other uses within the proposed two-family dwelling other than two dwelling units. Use of the building for any other use, including but not limited to a short-term rental is not permitted, except in accordance with any zoning and other regulations set forth in the Town of Shawangunk Zoning Law and Shawangunk Code.
7. Add the standard Housing Relocation Note.
8. Add the standard Agricultural Note.
9. The Town Attorney, Town Planner, and Planning Board Chair shall review the final notes and site plan prior to filing the site plan map with the special use permit.

Respectfully submitted,



Robin C. Kaufmann, Secretary