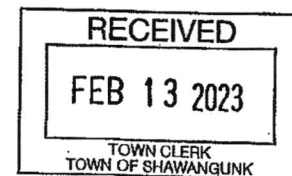


Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Town Office Building, 14 Central Avenue, Wallkill, New York, on the 3rd day of January, 2023.

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



Absent: Patricia Turner. Also, present were Richard Hoyt, Esq, Bonnie Franson, AICP CEP, PP., Richard Blazeski, Superintendent of Highways, 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 December 6, 2022

A motion was made by Todd Widmark, seconded by Richard Barnhart to approve the Minutes of December 6, 2022 with the Town Attorney's corrections. Vote: All Ayes. Absent: Patricia Turner. One Vacancy: Abstain: None.

PUBLIC HEARING:

ENAID Properties / Diane & Joe Szymczak:(99.1-7-22.200) Proposed Two Lot Subdivision of 50+/-acres with multiple dwellings / structures at 100 Meadow Hill Lane in R-AG2 District and Pine Bush Central School District. John Cappello, Esq. was present before the Board.

The following items were entered into record: Letter dated December 16, 2022 from George Lithco, Esq with revised Short EAF dated 12/16/22; letter dated December 16, 2022 from Lawrence Marshall, PE with Survey & Subdivision Map of Lands of Enaid Properties Corp last revised 12/16/22 and memorandum dated December 29, 2022 from Bonnie Franson, AICP CEP, PP.

Submitted at the meeting: Letter dated January 3, 2023 from Ann-Verhulp-Watson was entered into record.

Mr. Cappello said he was present to assist George Lithco, Esq. to represent ENAID / Diane & Joe Szymczak.

Mr. Cappello said the applicant is proposing to subdivide the parcel into two lots with preexisting dwellings.

Mr. Cappello said the Applicant proposes Lot 1 of 20.910+/-acres, net acreage of 16.263+/-acres with existing single-family dwelling and garage. Lot 2 of 29.090+/-acres, net acreage of 22.003+/-acres with six (6) dwelling units, eight (8) horses and accessory structures. There are no additional structures being proposed.

Mr. Cappello said Lot 2 wouldn't be able to be further developed unless units were removed. There is a shared driveway used by both lots. The NYSDEC confirmed the wetland validation was acceptable.

A motion was made by Richard Barnhart, seconded by Sal Patella to open the Preliminary Public Hearing for ENAID Properties / Diane & Joe Szymczak at 7:12 pm. Vote: All Ayes. Absent: Patricia Turner. One Vacancy: Abstain: None.

Mr. Watkins asked the Board if there were any comments or questions. The Board said not at this time.

Ms. Franson read her December 29, 2022 comments into record.

ENAIID Public Hearing cont.

Ms. Franson requested a table be provided and/or another column to the existing table that breaks down the information pertaining to the horse farm.

Mr. Franson said Mr. Cappello indicated that the NYSDEC was okay with the delineation; however, the Wetland Validation dated 12/19/22 has since expired and needs to be revalidated.

Ms. Franson said the prior map submitted (last revised 2/11/13) had a note regarding the proposed common driveway easement and maintenance area; it should be added back with the Town Attorney to review it. Also, the specific area was shown on the previous map.

Mr. Cappello said they would make sure all adjacent lot owners names on the map are up to date.

Mr. Cappello said Mr. Lithco is waiting to receive all the information that was discussed within his September 6, 2022 letter and then would address all the items once.

Regarding violations, Mr. Cappello said he understood that the applicant has reached out to the Town Building Inspector and believes items could be addressed prior to signing the maps.

Mr. Hoyt said Building Inspector, Robert Wallner issued two items; a Stop Work Order June 7, 2022 and Notice of Violation July 21, 2022. Mr. Hoyt said he agrees that the property must be in compliance prior to signing the final maps.

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

Cornelis Verhulp, 55 Tudor Lane, asked will there be any additional development on the property? Will there be a condition of no further development? I live next door and I am concerned twenty (20) new houses will be built and I want to confirm no further development with a note on the plan.

Mr. Cappello said no development is proposed just dividing the property into two lots.

Mr. Watkins said we understand that no other development would occur unless units were removed.

Richard Blazeski asked if another dwelling could be building on Lot 2?

Mr. Watkins said Lot 2 has six (6) units; which is the maximum number of units on Lot 2. As to Lot 1 there has been no proposal brought before the Board to review.

Mr. Cappello asked the Board to please clarify why a no further subdivision note would be allowed? I don't want to prohibit anyone in the future that may buy the property; and let's hypothetically say that all buildings were knocked down – they could accommodate more development in the future.

Mr. Hoyt responded to Mr. Verhulp, he said, if the property owner wanted to do any further development in the future; Mr. Verhulp would get another public notice from the Town. Mr. Hoyt said the project right now before the Board; is a two (2) lot subdivision that proposes no new development.

Mr. Hoyt said there will not be a "no further subdivision restriction"; because they could take all the bungalows down and then submit to the Town.

Mr. Watkins added that the subdivision project in front of the Board is also to bring the property in conformance.

Mr. Hoyt said he has spoken with Mr. Lithco regarding the shared driveway agreement and metes and bounds to address Ms. Franson's comments.

Resident on Jansen Road said he is okay with what is currently being proposed.

ENAIID Public Hearing cont.

Mr. Watkins asked the Board for request for Ms. Franson to draft the resolution for the project. The Board agreed.

A motion was made by Richard Barnhart, seconded by Sal Patella to continue the Public Hearing for ENAIID Properties / Diane & Joe Szymczak to February 7, 2023 at 7:00 pm or soon thereafter. Vote: All Ayes. Absent: Patricia Turner. One Vacancy. Abstain. None.

CONTINUATION PUBLIC HEARINGS: There were no continued hearings.

APPEARANCES:

Boria & Linda Sax:(99.4-1-24.300) Proposed Two Lot Subdivision of 84.17+/-acres at Red Mills Road in the R-Ag4 District and Wallkill Central School District. Margaret Hillriegel, LS, was present before the Board.

The following items were entered into record: Letter dated December 12, 2022, from Margaret Hillriegel, LS with attached survey for 2 Lot Subdivision for lands of Boria & Linda Sax revised October 17, 2022; letter dated December 7, 2022 from New York State Department of Environmental Conservation (NYSDEC) Division of Environmental Permits and memorandum dated December 29, 2022 from Bonnie Franson, AICP CEP, PP.

Ms. Hillriegel said the applicant proposes a two-lot subdivision of 84.8+/-acre property. The property is mostly forest and located on the south side of Red Mills Road. The owners are looking to sell building Lot 1 and keep Lot 2; which is proposed to remain forest with an existing forestry exemption.

Ms. Hillriegel said Lot 1 of 4.60+/-acres, net acreage of 2.02+/-acres; and Lot 2 of 79.568+/-acres, net acreage of 31.73+/-acres we have shown a conceptual septic location for proposed Lot 2. The parcel is located along both the Shawangunk Kill and the Dwaar Kill; and contains both wetlands and flood plain areas.

Ms. Hillriegel said she has submitted to the NYSDEC; the project is within the Scenic Recreational River Corridor.

Mr. Watkins asked the Board to consider waiving the cluster subdivision requirements.

A motion was made by John Szarowski, seconded by Todd Widmark to waive the cluster subdivision requirements for the Boria & Linda Sax Two Lot Subdivision. Vote: All Ayes. Absent: Patricia Turner. One Vacancy. Abstain. None.

Ms. Hillriegel said she inadvertently overlooked the submission of the revised Short EAF and will submit it.

Mr. Watkins said the Superintendent, Richard Blazeski, conducted a site visit and reviewed the proposed driveway locations on Red Mills Road.

Superintendent Blazeski asked if the locations were posted with chain fence? When a driveway permit is requested additional sight distance improvements will be requested along with road access permit requirements.

Ms. Franson read her memorandum dated December 29, 2022 into record.

Ms. Franson asked if they will pursue the NYSDEC Recreational River Corridor permits?

Ms. Hillriegel said the NYSDEC permit is only valid for one (1) year. Lot 1 will be sold and they may not build for up to one (1) to two (2) years on Lot 2.

Ms. Hillriegel said she will address Ms. Franson's December 29, 2022 comments and resubmit.

Boria & Linda Sax cont.

Mr. Hoyt asked for clarification if the NYSDEC Recreational River Corridor permit is on the subdivision or on the disturbance of land?

Ms. Hillriegel said she will investigate Mr. Hoyt's inquiry with the NYSDEC.

Mr. Hoyt said depending on what triggers the permit; it could be a condition of subdivision approval.

Mr. Watkins asked the Board to consider scheduling a public hearing.

A motion was made by Richard Barnhart, seconded by Todd Widmark to schedule Boria & Linda Sax two lot subdivision for a public hearing for February 7, 2023.

Deadline for submission is Friday, January 20, 2023 at noon.

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, representing LaBella Associates and John Cappello, Esq., representing Jacobowitz and Gubits were present before the Board.

The following items were entered into record: Letter dated December 13, 2022 from Stuart F. Mesinger, AICP with attached draft Scope for Blue Chip Farms project.

Mr. Mesinger said we submitted the items required for the Notice of Intent (NOI) that we thought it was going to be circulated.

Mr. Watkins said Ms. Franson responded to you that an application acceptance is not a determination that the use is allowed.

Mr. Watkins said it was his decision not to circulate the NOI. He was not comfortable with the conceptual plan that was more of a picture than a concept that met zoning and could be described.

Mr. Watkins said minimal information was provided; the design doesn't show how long roads would be; engineering – wetlands – stormwater is all conceptual.

Mr. Barnhart said the concept plan has a note on the lower left section for (60) 1 Acre Single Family Lots; and on the top right under Site Date shows (59) 1 Acre Clustered Single Family Lots; we need an updated map that corrects that; it's inconsistent.

Mr. Mesinger said we didn't want spend the funds now; on all the items mentioned, in order to provide an updated concept plan until we have a scoping document which will contain these kinds of documents.

Mr. Watkins said when we have a public scoping session, we usually have more information; we understand you have done quite a bit of work.

Mr. Mesinger said we understand you want more details.

Mr. Hoyt discussed process; until the Notice of Intent gets circulated the Board can't render a Positive Declaration on the project until Lead Agency has been declared.

Mr. Hoyt said we have added to the NOI narrative that the project's conformance with the Town's Zoning Law will be assessed during the SEQRA review.

Elixir Design Build, LLC / Blue Chip Farms cont.

Mr. Hoyt asked if the golf course is part of the Planned Development Group (PDG)?

Mr. Mesinger said yes.

Mr. Hoyt said but the PDG part is located on the other side of the Hoagerburgh Road?

Mr. Cappello said the yield of the project won't be determined until SEQRA is completed; we agree with Mr. Hoyt conceptually; with the design. However, we want to know now if this project is permitted in the Town's Zoning? Until we know it's allowed in zoning; then we can figure out areas for sewer or water.

Mr. Alexanian said if it is not allowed in zoning; tell us, we can change the design; as we do have several hundreds of thousands of dollars and several years invested now; yes, we are in deep and we intend to make this an exemplary project.

Ms. Franson asked if they have any studies done?

Mr. Mesinger said we have a stream to discharge to conceptually; the wetlands have been delineated but not validated; we have met a couple of times with the NYSDEC for the birds; test pits and Phase 1A Archeological Study done.

Mr. Patella said he can appreciate the concept plan and golf course.

Mr. Mesinger asked if the NOI will go out this Thursday, January 5, 2023?

Ms. Franson asked Mr. Hoyt what level of information would be requiring to hold a public scoping session?

Ms. Franson asked if with the Draft Environmental Impact Statement (DEIS) do you envision to have the engineering done?

Mr. Mesinger said 30% of the engineering is done; we will look at the Town Zoning on what information is necessary requirement for a public scoping session.

Mr. Cappello said the PDG for the units, that this concept is based on; perceives it to be do able in the Town Zoning Law.

Ms. Franson asked for clarification if one component isn't allowed; would they need to go to the Town Board for a zoning change?

Mr. Cappello said if it is in zoning it would be beneficial to know that it is okay; or if a zoning change is required we would need to know; the rental units are a component of the project and that would be concerning.

Mr. Alexanian said we are here trying to keep Blue Chip Farms alive; as it has become extremely challenging for the owner and if he can't he may have to sell. We are here to try something commercial that's viable; the sooner we hear from the Town the better if this proposal meets zoning.

Ms. Franson said you mentioned the rentals?

Mr. Alexanian said the rentals are viable and it's the direction we hope to go.

Mr. Watkins said the Town likes the concept; we just need to see how this works in the Town Zoning; the concept, to me, is like a picture and not a plan.

Mr. Alexanian said please give us some specific marching orders in the right direction.

Elixir Design Build, LLC / Blue Chip Farms cont.

Mr. Watkins said previously I asked for the site to be broken down into four (4) sections and described per section; as the land is bisected into four (4) sections by roads.

Ms. Franson said it would be useful to provide a map at a better scale.

Mr. Hoyt, Mr. Watkins, Ms. Franson point to the area around the golf course and asked to describe it; if it was being considered as open space?

Mr. Mesinger said the golf course parcel has two separate things; it is not part of the cluster subdivision it is part of the PDG. This is a plan zone that crosses a road

Mr. Szarowski said this is not a simple site; he would like to see some grading plans, this is not a flat piece of land, but this is a flat piece of paper.

Mr. Mesinger said yes, we need to do a grading plan, site plan, cluster subdivision plan, management plan; we have to refine the plans.

Ms. Franson said for the baseline; we typically need a conventional plan to net out the environmental constraints; that hasn't been prepared yet.

Mr. Mesinger said there is minimal wetlands on the property and there is a lot of acreage.

Discussion of planned development project; working with another group on other designs to look at models and use a model that will work.

Mr. Hoyt asked for clarification on the 12/8/22 concept plan; what the hatched area is for?

Mr. Alexanian said we were planning on donating that area to the NYSDEC for the birds. We are looking to do everything in order for Blue Chip Farms to stay viable.

Mr. Hoyt said for future Conservation Easements; the Town would hold the easement for the horse farm and anything else for open space. If you can give us information in order to help the Town be able to explain the project to the public it would be helpful.

Mr. Watkins asked to add language for the horse farm; what the future intention of uses on the horse farm would be. He asked what are the orange lines surrounding the lots surrounded by the golf course?

Mr. Alexanian said our intention is to preserve Blue Chip Farms.

Mr. Mesinger said the orange line is the cluster subdivision lot line boundary and is part of the bird area.

Mr. Mesinger said the Environmental Impact Statement (EIS) is probably a year off.

Mr. Widmark asked how the project circulations will work with the power grid – it is proposed with all the electric cars and features?

Mr. Mesinger said we don't have that answer.

Mr. Hoyt asked will there be all private roads or some proposed town roads?

Elixir Design Build, LLC / Blue Chip Farms cont.

Mr. Mesinger said the nine (9) lots (top left above the Hoagerburgh Rd) may be a private road and the sixty (60) lots may be proposed town roads.

Mr. Watkins said we look forward to see how this will work.

The application remains incomplete.

DISCUSSIONS:

2023 Meeting Schedule: Adopt 2023 Planning Board Meeting Schedule.

A motion was made by Sal Patella, seconded by John Szarowski to accept the 2023 Planning Board Meeting Schedule. Vote: All Ayes. Absent: Patricia Turner. One Vacancy. Abstain: None.

Lot Line Adjustment: Discussion of Local Law # 3 of 2022 Lot Line Adjustment / Natural Subdivision.

Mr. Watkins asked for clarification if full property surveys are required for lot line adjustments.

Mr. Hoyt said he will research Local Law #3 of 2022 and provide a response to the Board.

Engineers: Discussion by the Planning Board was held for obtaining Requests for Proposals (RFP) from engineering firms for the Planning Board.

3015 Route 52 Solar / Visual Screening: Mr. Watkins provided the Board a status report.

Mr. Watkins said a site visit on December 21, 2022 to discuss the replanting of trees; he said they were smaller than I thought they should be. He discussed the installation of brown mesh screening to be placed behind all the houses on New Prospect Road; with the exception of Mr. Edward Garvey son's house (3358 New Prospect Rd) they built a berm behind his son's house and Mr. Garvey and wife Lyn said they didn't want any mesh screening on the lower side of their house/property.

CORRESPONDENCE:

Next Regular Meeting to be held on "**Tuesday**", **February 7, 2023**

Dead line for submission is "**Friday, January 20, 2023**" at noon.

ADJOURNMENT: A motion was made to adjourn the meeting by Sal Patella, seconded by John Szarowski. Vote: All Ayes. Absent: Patricia Turner. One Vacancy: Abstain: None. The meeting was adjourned at 8:27 pm.

Respectfully submitted,

Robin C. Kaufmann, Secretary