

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 7<sup>th</sup> day of March, 2023.

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



Absent: Richard Barnhart. Also present were: Richard Hoyt, Esq, Bonnie Franson, AICP CEP, John Valk, Town Supervisor, Robert Wallner, Building Inspector / CEO, Ryan Reid, Member ZBA and please see sign-in sheet.

Meeting location: Town Hall, 14 Central Avenue, Wallkill, NY 12589

Open Regular Meeting: 7:00 pm

Emergency Exits Announcement

Pledge of Allegiance

Approval of Minutes of February 7, 2023

A motion was made by Mark Watkins, second by John Szarowski to approve the Minutes of February 7, 2023. Vote: All Ayes. Absent: Richard Barnhart. One Vacancy. Abstain: None.

**PUBLIC HEARING:** There were no new hearings.

**CONTINUATION PUBLIC HEARINGS:**

**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.

No one present from Sax. Applicant previously requested an adjournment to the April 4, 2023 meeting. Mark Watkins, Chairman, asked if there were any public comments from the Planning Board and the Public. No additional comments made. Public Hearing to continue at the April 4, 2023 meeting at 7:00 pm.

A motion was made by Mark Watkins, and 2<sup>nd</sup> by John Szarowski. Vote: All Ayes. Absent: Richard Barnhart, One Vacancy, Abstain: None.

**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. .

No one present from ENAID. Applicant previously requested an adjournment to the April 4, 2023 meeting. Mark Watkins, Chairman, asked if there were any public comments from the Planning Board and the Public. No additional comments made. Public Hearing to continue at the meeting on April 4, 2023 at 7:00 pm.

A motion was made by Mark Watkins, and 2<sup>nd</sup> by Sal Patella. Vote: All Ayes. Absent: Richard Barnhart, One Vacancy, Abstain: None.

**APPEARANCES:**

**Michael Brander:(106.1-1-8.111):** Proposed Three Lot Conservation Density Subdivision Preliminary Plan of 46.75+/-acres at 46 Wildrick Road in the R-AG4 District and Wallkill Central School District. Mr. Darren Doce, PE was present before the Board.

The following items were entered into record: No new information received.

Mr. Darren Doce requested McAdam & Fallon, PC speak with Mr. Richard Hoyt, Esq., to discuss options regarding the existing private road or the development of a town road, 24' W x 200' L with bulb shape cul-de-sac to be conform to Town Highway specifications.

Mr. Hoyt maintained the town cannot plow a private road/common driveway. If a town road is not developed, the issue of snow removal will need to be addressed. There is a safety issue with snow storage/removal regarding the tandem trucks point of turn-around.

There was a general discussion between the board members regarding different options. Mr. Szarowski suggested a maintenance agreement. However, Mr. Hoyt maintained we need to be uniform with highway specifications.

Mark Watkins stated if the attorneys can settle the road issue with the best intent for both parties before the deadline of the next meeting, they can go to a Public Hearing in April.

**Elixir Design Build, LLC / Blue Chip Farms:** Lead Agency status for 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. David Alexanian, Owner from Blue Chip Farm; Stewart Mesinger, LaBella; John Capello, J&G Law.

The following items were entered into record: No new information received.

Mr. Mesinger presented new maps which clarified their project proposal. He stated a lot more engineering needs to be done.

Mr. Watkins asked how the lots were created? He questioned how the septic would work as some lots were on slopes.

Mr. Mesinger explained there would be a gravity pump and a central water plant. He stated some of the 25 current wells used for agricultural purposes may be potable, but have not yet been tested.

Ms. Turner brought up the exceptional view from Wallkill High School and Hoagerburgh Road and asked the following questions: What will the view look like after development? What is the layout of the houses and golf courses? Is there flexibility to keep the view and will the water tank be visible?

Mr. Watkins asked if wetlands were considered?

Mr. Mesinger replied yes. Previously included conservative buffers on their map. Additionally, they would like to explore a new zoning district for more flexibility.

Mr. Widmark asked if they were going to utilize the wells?

**Elixir Design Build, LLC / Blue Chip Farms: - cont'd.**

Mr. Mesinger replied the water wells on-site are for agriculture and irrigation, but could be utilized. Water demand will be approximately 140,000 gallons a day (50 to 60 gallons a minute), but further testing is required. The DEC is good with a treatment plant. The adjacent stream is a Class C stream and must meet state standards. It will not be a combined sewer system with natural rainfall. An equalizer tank would be built for visitor capacity per New York State standards.

Mr. Patella asked about the plan for the north side and the future of the horse farm?

Mr. Mesinger stated the intent was to keep Blue Chip farm alive. The light gray shaded boxes on the map represent corals and barns. The current plan is to stay as farmland. There is a possibility of one to two houses or a farmer's mobile home if there was to be future development.

Mr. Wallner added it cannot be designated as an agricultural structure if there is an apartment in the building.

Mr. Mesinger stated they are seeking options to keep the agricultural zoning in perpetuity. Additionally, he requested that Ms. Franson proceed to preparing a SEQRA Positive Declaration.

Ms. Franson asked if the current maps are for scoping purposes and Mr. Watkins stated a more complete concept would be required.

Per Bonnie Franson, below items to be addressed prior to map circulation to the public:

- Parcels and Tax Numbers
- Name of roads
- Lot numbers
- Add golf courses (use different color for map)
- the map needs to show wetland buffers
- Submit clean maps for April 4 meeting.

Mr. Mesinger responded they are being conservative with the wetland buffers as per the new 2025 DEC regulations. Additionally, we can make a table to clarify density and grade perspective.

Mr. Watkins stated they will need to look at the town law regarding the vacation homes.

Mr. Mesinger reiterated he would like to submit for April and begin the POS DEC and Scoping.

Mr. Watkins stated EAF Part 2 to be started.

Ms. Franson asked if any turtles were found.

Mr. Mesinger responded no.

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**DISCUSSIONS:**

Mr. Watkins stated several projects will need to be discussed, Chapel Field and the School of Practical of Philosophy will be returning, Magruder Solar, Magnanini Winery, One Stop Shop Supplies, and Beck's Hardware.

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**MAKO HOMES:** (106.1-3-31) Proposed Final 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. Board discussion on items within the Conservation Easements and DEC. Extension requested for Conditional Final Approval.

Mr. Watkins said Mark Brissette and I spoke and he requested an extension for his Conditional Final Approval; he continues to work on the final conditions of approval and is waiting on the Department of Health.

Discussion was held by the Board for size of accessory structures for two (2) 10 ft. x 20 ft. accessory structures

Mr. Watkins said the Board can only grant a 90-day extension for Conditional Final Major Subdivision Plat Approval; and a 90-day extension can be granted to Tuesday, May 2, 2023 Planning Board meeting.

The Board discussed the extension and agreed to extend to Tuesday, May 2, 2023, 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 May 2, 2023 meeting is April 14, 2023 at noon.

A motion was made by John Szarowski, seconded by Todd Widmark to grant a 90-day extension to Tuesday, May 2, 2023 for Conditional Final Major Subdivision Plat Approval for Mako Homes, LLC subject to all conditions noted in the Filed SEQRA Resolution and Notice of Negative Declaration dated May 3, 2022 and Filed Final Major Subdivision Plat Approval Resolution granted by the Planning Board on October 4, 2022 with Schedule A – Conditions of Final Subdivision Plat Approval 1 – 19; the owner agrees that no disturbance of the Conservation Easement Areas will occur during the interim period between now and when the Conservation Easements are actually signed and delivered, presumably, when the Planning Board signs the subdivision plat. Vote: All Ayes. Absent: Richard Barnhart. One Vacancy. Abstain: None.

**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. Board discussion on below items.

Mr. Watkins stated we need to check the project as the property has been sold.

Mr. Wallner added they did not get a building permit.

Mr. Hoyt suggested a site visit be done with the new owners.

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Mr. Wallner affirmed site visit was done and stated they claim to have DEC permits to clear 30 acres of trees and widen the access from Plains Road. The purpose of clearance is to assist with drainage. Stumps to remain due to machine disturbance and neighboring complaints.

Mr. Hoyt asked must we have MS4 signed and filed for SWPPP? MS4 Training can be done by John Szarowski.

Mr. Szarowski said the Engineer will need to write a note to do a transfer.

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**ONE STOP SHOP SUPPLIES, INC.:** (106.4-1-7.112) Proposed Change of Use for light industrial use/E-Commerce business with repurpose existing 22,000+/- SF building located at 3050 NYS Route 208 in the SB District and Wallkill Central School District. Board discussion on below item.

Install Sprinkler System due to fire trucks unable to drive behind building. Approximately, 500,000 water tank required with motors for sprinkler system; possible underground placement.

**RICHARD MAGNANINI WINERY, PELMO PROPERTIES, LLC (TWO SOUND HEARTS):** 172 Strawridge Road noise complaints.

Magnanini Winery noise complaints to be addressed regarding events due to neighboring complaints. A letter to be sent requesting no events until noise matter is addressed. Currently, no noise law in place or mandatory enforcement for events being held on top of hill.

**SCHOOL OF PRACTICAL PHILOSOPHY:**

The School of Practical Philosophy is requesting bathrooms be added to each dormitory. Stay in dormitories is less than 30 days based on classes. Further discussion to decide by adding bathrooms; does site become a hotel?

**BECK'S HARDWARE:**

Existing Lights:

- Lights to be replaced and point downward. Lights may need change of hood only.
- Light brightness not to exceed 3000 Kelvin Lumens (see Final Site Plan Approval Resolution dated 6/7/2022 regarding lighting levels shall not exceed the illuminating Engineering Society (IES) Outdoor Site/International Dark Sky Association (IDSA) recommended illuminance levels. All illuminances are to be LED and will need to meet the fully shielded definition.)
- Light changes must be identified on maps.

Existing Berm:

- Below items will be used regarding berm fixing:
- Material: 2" inch stone, 2' feet wide, 6" deep
- Place under stone: Polypropylene Black Stabilization Underlayment Geo-Textile Fabric

Maps:

- Identify light changes.
- No changes on maps regarding Site Plan.

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***CORRESPONDENCE:***

Next Regular Meeting to be held on "Tuesday, April 4, 2023" at 7:00 pm

Dead line for submission is "Friday, March 17, 2023" at Noon.

***ADJOURNMENT:***

A motion was made to adjourn the meeting by Todd Widmark, seconded by John Szarowski.  
Vote: All Ayes. Absent: Richard Barnhart. One Vacancy: Abstain: None. The meeting was adjourned at 9:30 pm.

Respectfully submitted,

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Mary Ann Longano, Secretary