

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 4th day of April 2023.

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

Also present were: Richard Hoyt, Esq, Bonnie Franson, AICP CEP, John Valk, Town Supervisor.
Please see sign-in sheet for rest of attendees.

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 March 7, 2023

A motion was made by Todd Widmark, second by John Szarowski to approve the Minutes of March 7, 2023. Vote: All Ayes. 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. Margaret M. Hillriegel L.S. previously requested to continue the public hearing until next month, May 2nd @ 7:00 pm, due to the Wild Scenic Recreation River permit from the DEC for the Sax project has not been received. Margaret Hillriegel has followed-up with Victoria Lawrence on 4/4/2023 regarding the application permit via email to confirm Victoria received the application and if any other additional was needed in order to wrap up project. Mark Watkins, Chairman, asked if there were any comments from the Planning Board and the Public. No additional comments made. Public Hearing to continue May 2nd, 2023 at 7:00 pm.

First Motion was made by John Szarowski, and 2nd by Todd Widmark to adjourn the hearing to Tuesday, May 2nd, 2023 at 7:00 pm. Vote: All Ayes. One Vacancy. Abstain: None.

ENAI D SUBDIVISION: See Page 5 of these minutes.

APPEARANCES:

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.

Andrei Lukianoff, Project Engineer, stated site walk was productive and involved the local Fire Chief and Building Inspector, client, and architect. All parties agree a sprinkler system is required and need to figure out where the pump and tank needs to go. Two options are being explored in the sense of calculations and so on. On-site, there are two different wells they are trying to figure out the capacity of each one and the quality and quantity to potentially provide to the town, but John Valk, Town Supervisor, stated that may not happen.

Andrei Lukianoff is requesting a color palette for the building exterior. Mark Watkins stated we use earth tones and asked Patricia Turner to provide a couple of earth tone color samples for the building. Patricia Turner agreed.

Sal Patella asked about the landscaping and Andrei Lukianoff stated it will be on the plan and is being worked on.

Rich Hoyt asked if the south side doors are going to be used and Andrei Lukianoff stated they will be used for tank and pump placement and for building maintenance.

Rich Hoyt stated it is noted on the plan, a 50' wide easement along the back side of the building and thought the school owned this parcel. Andrei Lukianoff will investigate the easement on property and advise accordingly. He believes originally it was an easement, but not now and will look into. Bonnie Franson stated a memo from her office dated 2/3/23 discusses easement and to let her know if the memo needs to be resent.

Sal Patella asked, if the plan was to connect to the sewer system, what would happen to the septic? Andrei Lukianoff stated it would be abandoned or the tank would be removed. Mark Watkins stated it would normally be abandoned and they would tie into the sewer. John Valk stated low pressure pumps would have to go directly into the sewer.

Rich Hoyt stated that the town board will have to decide on the existing septic tanks and land owners, in this new Sewer District, will have to be notified as to when they must be abandoned and hook-up to the new sewer.

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 Cappello, J&G Law.

John Cappello, Esp., and David Alexanian discussed the following:

- Recent submission to submit Positive Declaration (POS DEC) under SEQR.
- Distribute POS DEC with scoping outline to agency.
- Schedule a Scoping Meeting to happen on May 2, 2023 at 7:00 PM.

Mark Watkins stated more work to be done but we can move the project forward and requested a 90-day extension to July 5, 2023 for the adoption of the Final Scope. There is a possibility to have done by June 2023 but would like to have extra month for any unforeseen matters. John Cappello stated if we had to extend even to August that would be fine but to move forward with the POS DEC. Mark Watkins asked Rich Barnhart to cover Planning Board meeting on Wednesday, July 5, 2023 during his absence. Mr. Barnhart agreed.

Rich Hoyt made notes to POS DEC FEAF in Part II for Bonnie Franson. Bonnie Franson reviewed edits on POS DEC and the FEAF with the Planning Board.

Discussed land preservation next to the sanctuary:

- Grazing will be reduced, and growing and mowing will be addressed with DEC.
- Archeological Survey to be done in different phases depending on how much digging is required.
- FEAF Part 2 was reviewed by Bonnie Franson regarding specific questions with impact on plant and animals.
- Archeologist use data from the Cultural Resource Information (CRIS) System for further evaluation from the Parks Recreational and Historical Preservations.
- David Alexanian will provide more detail on scenery.

Discussed Zoning and Sub-Division Regulations due to double frontage lots:

- No roads on double lots and homeowner property lines.
- Maps were reviewed at meeting regarding road changes due double frontage lots.
- Addressed concerns regarding lots on steep slopes.
- Double frontage lots from 44 through 56 are being reviewed, no access to it, not in our zoning jurisdiction.
- There is concern DEC will delay project and owner will have to jump through hoops to move forward at a normal pace.
- Planning Board to go through Zoning to determine As of Right lot count after reviewing to determine what is acceptable or not.
- SEQR will have input into lot size too.

A motion was made by Richard Barnhart and second by Sal Patella to issue a Positive Declaration. Vote: All Ayes. One Vacancy. Abstain: None.

A motion was made by Sal Patella and second Rich Barnhart for a Scoping Session to be conducted by the Planning Board (Lead Agency) on Tuesday, May 2nd 2023 at 7:00 pm. Noted in the POS DEC to focus the DEIS content on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or insignificant. As required by Part 617.8, scoping will include public participation. Vote: Ally Ayes. One Vacancy. Abstain: None.

The following items were entered into record:

- Draft Environmental Impact Statement (DEIS) Draft Scope
- Positive Declaration
- Full Environmental Assessment Form (FEAF) – Part 2 – Identification of Potential Project Impacts

DISCUSSIONS:

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.

Mr. Darren Doce requested McAdam & Fallon, PC speak with Mr. 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.

Rich Hoyt stated they are in discussions as of 4/4/2023.

Sal Patella asked who would be responsible for maintaining the bulb shape cul-de-sac (no island in middle of cul-de-sac).

Mark Watkins stated the would be a discussion between the McAdam & Fallon, PC and Rich Hoyt, Esq. whether it is going to be a town and if not a town road, how will it be handled. There is a financial cost to the bulb shape cul-de-sac with road specifications of 24' wide and the current road is only 18' wide. Further discussions are in the works.

HUGH CROWELL AND MATT & GEORGINA CRINIERI 162 LIPPINCOTT ROAD, WALLKILL, NY 12589: Tax Parcel 106.1-2-36.3 and 100.3-2-37.9, SBL: 106.1-2-36.300, Lot Dimensions: 2.6+/-acres. Lot Line Adjustment. Agricultural District – 4 (R-AG 4). Wallkill Central School District.

Discussion regarding lot line adjustment:

- Between Lippincott Road and 30 Sycamore Drive
- Received approval on 11/1/2022
- Awaiting on conditions to be met
- Licensed Land Surveyor requesting an extension to the approval be granted
- Small changes to maps have been made
- Deeds have been prepared but not submitted to the Town Attorney
- Check for extension fee has been received by applicant

A motion was made by Rich Barnhart, seconded by Todd Widmark to grant a 90 day extension of Conditional Final Subdivision approval to Wednesday, July 5, 2023. Margaret M. Hillriegel L.S. Licensed Land Surveyor, requested an extension Planning Board Decision for Conditional approval lot line adjustment plat on November 1, 2022 that has not been met. Project will not create any new lots; will not preclude proper future development of subdivision of properties or maintenance of same; will not create any nonconformity which did not already exist; and will not result in future development which would result in the disturbance of the 100-year flood plan, ACOE or NYSDEC regulated wetlands, steep slopes, or sensitive habitat.

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

SMOKE SHOP AND HARRY'S CORNER STORE

Discussions on new zoning law pertaining to site plan review and requirements for the following potential future retail businesses:

- Smoke Shop 46 Wallkill Avenue, Wallkill, NY 12589
- Harry's Corner Store 12 Wallkill Avenue, Wallkill, NY 12589

Rich Hoyt advised Planning Board of a new Zoning Law, as of November 2022. A new section was added to Zoning called Site Plan Review Not Required and it list categories of use of buildings, no new additions, but simple change of use has a process and the Building Inspector has the first call on whether landscaping, drainage, signs, lighting, storm water weather needs to be updated. He can refer here for a site plan review or simply give us a 30-day notice to give advice.

It has been discussed both projects must have Site Plan Review put together for the Planning Board to review any project and applicants to attend the May 2nd, 2023 Planning Board Meeting. Planning Board is informed by the Building Inspector, by letter or memo, stating a Site Plan will be required. Neither project meets all of the requirements for the avoidance of site plan review

Applicant's Narrative will contain the following:

- Narrative / Business Plan
- Map or sketch of layout
- Landscaping
- Type of sign on display
- Color of building (earth tones)
- Outside lighting
- Parking lot layout
- Hours of operation
- Selling Items
- Handicap accessible

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. Continuation of public hearing.

No one present from ENAID. Received an email from George Lithco regarding an Affidavit of Diane Szymczak (President of Enaid Corp.); and George Lithco is requesting a draft resolution. Mark Watkins reviewed Schedule A and George Lithco was in an agreement.

Bonnie Franson summarized the WHEREAS in the SEQRA Resolution and Negative Declaration (NegDec), Final Minor Subdivision Plat Approval Resolution, and Schedule A – Conditions of Final Minor Subdivision Plat Approval for ENAID Properties Incorporation and all agreed to accept documentation with WHEREAS conditions. Public Hearing was opened January 3, 2023 and closed on April 4, 2023.

First Motion made by Rich Barnhart, and 2nd by Sal Patella regarding adoption of NegDec for the ENAID project. Vote: All Ayes. One Vacancy. Abstain: None.

Mark Watkins requested a first and second motion to close the Public Hearing.
First Motion made by Todd Widmark and 2nd by Sal Patella. Vote: All Ayes. One Vacancy.
Abstain: None.

Mark Watkins stated as we look at the final sub-division plat and everything is the same as before except for Schedule A.

Bonnie Franson reviewed Scheduled A – Conditions of Final Minor Subdivision Plat Approval document (see attached) to the Planning Board.

Mark Watkins and Richard Hoyt agreed on Schedule A regarding an easement line table for the shared driveway, approved previously on map, shall be added to the final map.

Bonnie Franson stated applicant to provide Affidavit confirming the use that will exist on the two lots, as discussed earlier, and all map notes are incorporated into approval as if set fourth hearing.

The following items were entered into record:

- AFFIDAVIT presented by J&G Law, LLP
- Final Minor Subdivision Plat Approval Resolution
- SEQRA Resolution and Negative Declaration
- Schedule A – Conditions of Final Minor Subdivision Plat Approval

Mark Watkins asked the Planning Board if all in agreement regarding Schedule A.

First Motion made by John Szarowski and 2nd by Todd Widmark granting Conditional Final Subdivision approval. Vote: All Ayes. One Vacancy. Abstain: None

CORRESPONDENCE:

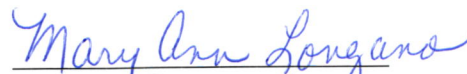
Next Regular Meeting to be held on “Tuesday, May 2, 2023” at 7:00 pm

Dead line for submission is “Friday, April 14, 2023” at Noon.

ADJOURNMENT:

A motion was made to adjourn the meeting by Todd Widmark, seconded by John Szarowski. Vote: All Ayes. One Vacancy: Abstain: None. The meeting was adjourned at 9:00 pm.

Respectfully submitted,


Mary Ann Longano, Secretary

TOWN OF SHAWANGUNK PLANNING BOARD
SEQRA RESOLUTION AND
NEGATIVE DECLARATION

Enaid Minor Subdivision – 2 Lots
100 Meadow Hill Lane/Indian Springs Road
Owner: Enaid Properties Corp.
Applicants: Enaid Properties Corp.

WHEREAS, the Applicant, Enaid Properties Corp., submitted a subdivision application dated December 10, 2020, and received by the Planning Board on January 14, 2021, to subdivide a lot totaling 50 gross acres into two (2) lots, with Lot 1 containing one (1) dwelling and Lot 2 containing a horse farm and six (6) dwellings. Upon subdivision, Lot 1 will consist of 16.262 net acres, Lot 2 will consist of 22.003 net acres. No new development is proposed; and

WHEREAS, the lands that are the subject of this application are designated on the Town of Shawangunk Tax Maps as S/B/L 99.1-7-22.2 comprised of one parcel located generally along Indian Springs Road just west of its intersection with Jansen Road and situated in the R-Ag4 zoning district. A wetland regulated by the NYSDEC (designated N-21) and ACOE is present on both lots; and

WHEREAS, in accordance with the regulations implementing the NY State Environmental Quality Review Act (“SEQRA”), Part 1 of a Short Environmental Assessment Form (EAF), was submitted on January 19, 2021, last revised December 16, 2022. The Planning Board determined that the action should be classified as an Unlisted action and has conducted uncoordinated SEQRA review; and

WHEREAS, a public hearing was opened on January 3, 2023, and closed on April 4, 2023, after comments from interested members of the public on all issues were sought and considered by the Planning Board; and

WHEREAS, the Planning Board has reviewed the minor subdivision plan entitled Survey Map & Subdivision of Lands of Enaid Properties Corp., last revised December 16, 2022, prepared by MNTM PC, consisting of one (1) sheet, which will be further revised to address any conditions of approvals and

WHEREAS, the Planning Board has analyzed the potential areas of environmental concern associated with the proposed action in accordance with procedures set forth at 6 NYCRR Part 617 and the criteria set forth at 6 NYCRR Part 617.7 implementing the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board consequently finds that the action will not have a significant adverse impact on the environment for the following reasons:

1. **Impact on Land.** Disturbances are not proposed as part of this project. No new dwellings or uses are proposed.
2. **Impact on Water.** Freshwater wetlands, a pond and stream are present on the proposed lots. The NYSDEC conducted a site visit on February 16, 2023, and revalidated the wetland boundary shown on the map as of February 24, 2023, which validation expires on February 24, 2028. A freshwater wetland note has been added to the plan to inform future property owners of the presence of the wetlands.

The project site is not located within a 100-year floodplain.

3. **Impact on Drainage.** A Stormwater Pollution Prevention Plan (SWPPP) is not required as disturbances are not proposed. Impacts to drainage are not anticipated.
4. **Impact on Air.** The subdivision will not have any impact on air resources.
5. **Impact on Plants, Animals and Wetlands.** As per the short EAF Part 1, the site is within the vicinity of habitat used by the federally listed threatened Bog Turtle (*Glyptemys muhlenbergii*) species. Disturbances are not proposed; thus, impacts are not anticipated.
6. **Impact on Agricultural Use.** The project site is not located on a property within a NYS-designated agricultural district. An Agricultural Data Statement was submitted as part of the application. No significant adverse impact is anticipated.
7. **Impact on Aesthetic Resources.** The proposed two-lot subdivision will not have an impact on any designated scenic resources.
8. **Impact on Historic and Archaeological Resources.** The project site is not located within an archaeologically sensitive area. Other potentially historic buildings are not present on the lot. Disturbances are not proposed.
9. **Impact on Traffic and Transportation.** The 2-lot subdivision will not introduce any new dwellings and will not create any new vehicular trips. Impacts to traffic and transportation will not occur.
10. **Noise and Odor.** The subdivision will not generate any significant adverse noise or odors.
11. **Critical Environmental Area.** The proposed project is not located within a Critical Environmental Area.
12. **Energy.** All utilities are in existence and no new utilities are proposed. There will not be any increase in energy generation, as new dwellings are not proposed.
13. **Growth and Character of Community or Neighborhood.** No impact on growth and character is anticipated as development is not proposed.
14. **Community Facility and Services.** The subdivision will not place any additional demand for community facilities and services.
15. **Environmental Health.** The proposed project will not result in any activities or processes that would impact environmental health. The site has not been identified on any database as one having undergone or requiring environmental remediation. Impacts are not anticipated.
16. **Recreation.** The subdivision will not place any new demand on the Town's recreational facilities as both lots are developed.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Planning Board determines that the action as proposed will not have a significant adverse effect upon the environment as proposed and an environmental impact statement will not be required.

2. That this resolution shall be deemed a notice of determination of non-significance issued pursuant to 6 NYCRR Part 617 and Article 8 of the Environmental Conservation Law (Environmental Quality Review Act), and the Planning Board secretary is hereby directed to file and circulate this Notice in accordance with the requirements of Part 617.

Resolution offered by Member Richard Barnhart, seconded by Member Sal Patella, adopted on a vote of 6 ayes, 0 nays, 0 members abstaining, 0 members absent, one vacancy.

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

Dated: April 4, 2023

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

**TOWN OF SHAWANGUNK PLANNING BOARD
FINAL MINOR SUBDIVISION PLAT APPROVAL RESOLUTION**

Enaid Minor Subdivision – 2 Lots
100 Meadow Hill Lane/Indian Springs Road
Owner: Enaid Properties Corp.
Applicants: Enaid Properties Corp.

WHEREAS, the Applicant, Enaid Properties Corp., submitted a subdivision application dated December 10, 2020, and received by the Planning Board on January 14, 2021, to subdivide a lot totaling 50 gross acres into two (2) lots, with Lot 1 containing one (1) dwelling and Lot 2 containing a horse farm and six (6) pre-existing, nonconforming dwellings. Upon subdivision, Lot 1 will consist of 16.262 net acres, Lot 2 will consist of 22.003 net acres. No new development is proposed; and

WHEREAS, the lands that are the subject of this application are designated on the Town of Shawangunk Tax Maps as S/B/L 99.1-7-22.2 comprised of one parcel located generally along Indian Springs Road just west of its intersection with Jansen Road and situated in the R-Ag4 zoning district. A wetland regulated by the NYSDEC (designated N-21) and ACOE is present on both lots; and

WHEREAS, a two-lot subdivision was previously approved for this lot on March 5, 2013, subject to certain conditions. The approval expired 180 days after the conditional approval, as no extensions were sought or received. As such, the Applicant has submitted this application; and

WHEREAS, the Planning Board resolved to waive the cluster subdivision submission for this application on February 2, 2021; and

WHEREAS, the property is not located within a NYS Agricultural and Markets designated Agricultural District. An Agricultural Data Statement was submitted by the Applicant as part of the subdivision application; and

WHEREAS, based on the agreement between the Shawangunk Planning Board and the Ulster County Planning Board, referral to that agency in accordance with NYS General Municipal Law 239-n is not required; and

WHEREAS, in accordance with the regulations implementing the NY State Environmental Quality Review Act ("SEQRA"), Part 1 of a Short Environmental Assessment Form (EAF), was submitted on January 19, 2021, last revised December 16, 2022. The Planning Board determined that the action should be classified as an Unlisted action and has conducted uncoordinated SEQRA review; and

WHEREAS, a public hearing was opened on January 3, 2023, and closed on April 4, 2023, after comments from interested members of the public on all issues were sought and considered by the Planning Board; and

WHEREAS, based on the review of the Short EAF, last revised December 16, 2022, the Planning Board duly considered the record, together with the action, and having analyzed each of the potential areas of environmental concern associated with the subdivision in accordance with procedures set forth at 6 NYCRR Part 617 and the criteria set forth at 6 NYCRR Part 617.7 pursuant to the requirements of the State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law of the State of New York, the Planning Board on April 4, 2023, adopted a Negative Declaration, finding that approval of the subdivision would not have a significant adverse impact on the environment for the reasons stated therein; and

WHEREAS, the Planning Board has reviewed the minor subdivision plan entitled Survey Map & Subdivision of Lands of Enaid Properties Corp., last revised December 16, 2022, prepared by MNTM PC, consisting of one (1) sheet, which will be further revised to address any conditions of approvals.

NOW, THEREFORE, BE IT RESOLVED that:

Final Minor Subdivision Approval. Subject to the conditions attached hereto as Schedule A, the Shawangunk Planning Board grants final minor subdivision plan approval to the Enaid Properties Corp. minor subdivision, as shown on a map, last revised December 12, 2022, for two (2) lots, as described above.

Upon motion of Member John Szarowski, seconded by Member Todd Widmark, 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 2-lot minor subdivision plan, subject to the conditions set forth in the attached Schedule A.

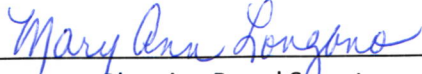
Planning Board Member	Roll Call Vote			
	Aye	Nay	Abstain	Absent
Richard Barnhart	X			
Sal Patella	X			
John Szarowski	X			
Patricia Turner	X			
Mark Watkins	X			
Todd Widmark	X			
Vacancy				

NOW, THEREFORE, BE IT FURTHER RESOLVED that:

Consistent with Section 276.5(h) of the New York State Town Law, within six (6) months of the approval of the final plat the owner must submit the plat in final form. The Planning Board is not required to give prior notice informing the Applicant of any impending expiration. The Applicant may request an extension of the approval. The Planning Board's grant of an extension is entirely discretionary; it is under no obligation to grant such extension. The Applicant shall be responsible for the payment of any extension fees as may be required by the then existing Fee Schedule of the Town of Shawangunk.

The Planning Board hereby directs the Secretary of the Planning Board to file a copy of this decision in the office of the Town Clerk and mail a copy of the decision to the applicant.

Dated: April 4, 2023



 Planning Board Secretary

_____, the Town Clerk of the Town of Shawangunk, does hereby certify that the foregoing Resolution of the Planning Board was filed in my office on this date.