

Regular Meeting

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June 6, 2023

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 6nd day of June 2023.

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



Also present were: Richard Hoyt, Esq, Danielle Dreyer from Nelson Pope & Voorhis, LLC, Dennis Arluck, Zoning Board Chair, Kathy Ebbrell, Court Clerk, Joe LoCicero, Deputy Fire Coordinator. 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 May 2, 2023

A first motion was made by Richard Barnhart, second by John Szarowski to approve the Minutes of May 2, 2023. Vote: All Ayes 4, Absent 2. One Vacancy. Abstain: None.

Blue Chip Farms: continuation of Public Scoping Session. See transcript attached.

John Lease III, Smoke Shop, Owner: North Plank Dev Co: Permit Number: 23-0065, Permit Type: Construction-Commercial. Permit Use: Interior Remodel (change of use), 46 Wallkill Avenue, Wallkill, NY and Wallkill Central School District. Section: 106.49, Block: 3, Lot: 24 Mr. Mark Watkins and the Planning Board Members discussed the following regarding Mr. Lease's request for a Smoke Shop Store. Mr. Lease filled out a Special Use Permit and the Site Plan Permit is required. Mr. Watkins explained the building is a change of use for a retail establishment.

The below items are required for a Site Plan explained by the Planning Board, and discussion on the zoning law was also explained by Mr. Richard Hoyt, Esq.

Site Plan Application requirements:

- A Site Plan Permit application.
- Landscaping with description of plants and location.
- Description of walkway in front of building.
- Description of sign: exterior lights, mounting height, and location where sign will be hung.
- Building location is across from the Post Office and should be made to look appealing for the town.

Reviewed list of items from Nelson Pope & Voorhis, LLC for a Site Plan approval:

1. Building field report
2. Owner of application clarification
3. Missing site plan application
4. This is a retail business
5. "Community Design Guidelines"
6. Notes to indicate there will be a "new exterior"
7. Landscaping
8. Screening between residences and nonresidential uses/parking lots.
9. Lighting.
10. Signage.
11. Lot paving - maximum impervious surface coverage is 30 percent in the SB zone.

Mr. Lease addressed the Planning Board concerns as follows:

- Two grass plants in the front of building.
- Five yellow flowering plants on the right side of building.
- Three yellow flowering plants in the rear of building.
- Preferred to wait until after the meeting to do anymore planting.
- Walkway was not going to be done until what type of material was to be use such as pavers and wanted to wait until after the meeting.
- Expressed changes that were made were sufficient compared to how the building previously looked inside and outside.
- A 3' x 3' sign would be placed on the upper right front corner of the 14' high building, attached to the brick, and facing the road.
- Sign was not designed but mostly made out of a metal with luminated lights for the lettering and would not use wood because it would not last.
- Building is only 14 ft high and the sign has not been designed.
- No further plans to add additional exterior lighting or any more changes to the building.
- Windows and doors were replaced and interior of building was updated and not much more could be done to a brick cube with a flat roof.
- Mr. Lease expressed a Permitted Use should not have to go through a Planning Board.
- Since the building has been empty, other businesses and local neighbors have been using the parking lot and possibly the Air B&B may sometimes use the parking.

Mr. Hoyt discussed why the law requires a Site Plan Permit instead of a Special Use Permit:

The town changed the law to allow an expedited site plan process only for a change of use for an existing building as opposed to a special use permit that requires a mandatory hearing and others steps to go through. The zoning law states: "*If building other than a single- or two-family house or a garage to go with it, you have to get a site plan approved.*" This law has been in the code for 50 Years.

Mr. Barnhart addressed his concerns regarding the cars that park right next to the building when pulling out onto the main street. Mr. Lease believes it is neighbors and other businesses using those spots instead of parking in the street since the building has been empty for two years.

Mr. Watkins reiterated the law requires a Site Plan Permit.

Mr. Lease stated it was too much for a permitted use and would not hire a Landscape and Civil Engineers for an existing building in a permitted use and will leave the building empty.

Harrys Corner Store, Applicant's Name: Preet Singh and Viraminder Singh, Owner: Daniel Colon:

Address: 12 Wallkill Avenue and Wallkill Central School District, Section: 177-35A. SBL: 106.49-4-24.

Reviewed list of items from Nelson Pope & Voorhis, LLC for a Site Plan approval:

- Building Field Report
- Confirmed a Retail Business
- Community Design Guidelines
- Screening between business/parking lot and residences to be provided
- Lighting
- Signage calculation

Mr. Watkin's reviewed the following with Preet to confirm site plan application:

- Building Department has addressed signage and released permit.
- Using existing lighting. No new lighting.
- Retail business with no seating inside and outside. For the record, reason for no seating inside is due to limitations of parking. Preet stated he understood.
- No one can come in for a cup coffee and a sandwich and sit down for a half hour. Preet stated he understood.
- Confirmed with Mr. Hoyt this is not a Special Use and is a Site Plan only.
- Confirmed the square footage of the building is under 4,000 square feet. Preet stated for the deli and liquor store it is a little over 2,000 square feet.

Mr. Hoyt stated the following:

- Confirmed the property line.
- North and South side of the building goes to the sidewalk.
- No property room for any landscaping, etc.

This is a Type II Action under SEQR; less than 4,000 square feet of existing commercial building. The following votes were recommended:

Vote #1: Move forward tonight and take a vote to deem it a Type II exempt. Action per SEQRA.

Vote #2: Waive the Public Hearing if you want to move forward tonight

Vote #3: Grant a Site Plan Approval with conditions.

Other items discussed:

- We received a floor plan with other information in packet.
- Confirmed no sit down due to parking issues.
- No new lighting unless applicant comes back for additional light approval.
- Signage approved.
- No selling outside.

Vote #1: Type II SEQR Action – First Motion: John Szarowski, Second Motion Richard Barnhart. Vote: All Ayes 4, Absent 2, Vacancy: 1, Abstain: None.

Vote #2: Waive Public Hearing – First Motion: Richard Barnhart, Second Motion: John Szarowski. Vote: All Ayes 4, Absent 2, Vacancy: 1, Abstain: None.

Conditions and Updates from last Planning Board meeting regarding garbage and grease trap disposal:

Garbage

Mr. Hoyt and Planning Members addressed status of garbage disposal that was discussed at last meeting and since then, they have submitted materials about garbage cans and how they are not going to be left outside or tipped over on sidewalk.

Mr. Watkins stated there will be a six-month follow-up to make sure an arrangement with the neighbors has been addressed and no garbage is left in the hallway or outside. Preet stated he understood.

Grease Trap

Mr. Hoyt stated a month ago someone brought up grease traps and since then we received some specs. Preet stated it has been installed and the hood has been inspected. Mr. Watkins stated the CO was issued by the Building Department.

Mrs. Turner stated there is a grease drain at the hood accumulating during venting and gases from the hood. The grease interceptor is for any washing. Meaning, when you are washing dishes, grease is also being accumulated from the cooking utensil used during cooking. Typically, at the sink, there would be an interceptor so that you are collecting the grease before it goes into a public sewer system.

Preet stated there is a grease interceptor installed under the sink to make sure there is no clogging and make sure the grease does not go down the drain. This can be seen by the Planning Board if they wish to see the install. Mr. Watkins stated he has seen record where the Building Department has signed-off on hood/grease trap.

Egress

Mrs. Turner addressed concerns regarding location of coolers. Is there enough egress from the cooler to the entrance? There are dimensions from the grocery shelving to the coffee station of 3' but the cooler to the exit (very important) there is no dimension and looks awfully tight. Requesting the required egress is maintained.

Preet stated the coolers are alongside the walls and there are no coolers by the front side. Preet approached Mrs. Turner at the bench with drawing to explain further on how the entrance is not blocked and stated a handicap person is also able to get through.

Mr. Watkins explained has been on-site with the Building Inspector and addressed most the concerns and changes were made including the egress requirements. Original drawing is old and changes have been to address the egress.

Vote #3: Grant a site plan approval under the new "Change of Use Regulations" subject to the conditions listed above and all the representations in the record will be relied on as true.

First Motion: Richard Barnhart, Second Motion: Patricia Turner. Vote: All Ayes 4, Absent 2, Vacancy: 1, Abstain: None.

US Light Energy – 2319 Bruynswick Road Solar: Site Plan, Special Use Permit, and Area Variance Application Initial Submission. Barclay Damon LLP represent NY USLE Bruynswick Road I LLC and Solitude Solar, LLC d/b/a US Light Energy ("Applicant"), authorized lessee of 2319 Bruynswick Road, SBL 99.2-6-10 ("Property"), 33.8 acre property zoned R-AG 4 (Residential Agricultural). Fire District: Shawangunk Valley. School District: Wallkill Central.

Michael Fingar, Chief Operating Officer (Applicant), introduced to the Planning Board property details and system overview.

Introduction:

- NY USLE Bruynswick Road I LLC., Latham, NY
- Operation focus is on community solar development.
- Currently have 13 projects operating in the state; about 70 Mega Watts.
- New solar project on Bruynswick Road on the Sparaco Property; proposes 3.75 Mega Watts AC (Large Scale Solar Energy System in R-AG 4.

Property Details:

- Property Owner: Christopher Sparaco
- Tax Map: 99.2-6-10
- Zoning District: R-AG 4
- Address: 2319 Bruynswick Road, Wallkill, NY 12589
- Gross Acreage: +/- 33.8 ac.
- Agricultural District: No
- Federal Wetlands: Yes +/-0.35 ac.
- NYSDEC Wetlands: No --
- Water Bodies: Yes +/- 0.05 ac. stream

Three main things company reviews when researching property:

1. A willing land owner that wants to host one of these on their property;
2. viability utility connection point;
3. viable constructable site.

System Details:

- Applicant proposes a 3.75 Mega Watts AC large scale ground mounted solar array with panels connected to a single-axis tracking (SAT) racking system that generates electricity for off-site use, sale, and consumption ("Solar Array"). Power generated from the Solar Array is added to the existing grid at the Galeville Substation in Gardiner for local consumption.
- Community Solar is a metering program in New York State that allows the export of energy from solar arrays distributed to multiple parties, largely residential. It allows for some flexibility in the system that may send the electricity to a small commercial building but requires about 60% of the energy producing property go to residential if they are willing to participate.

Mr. Watkins stated due to the amount that is being asked based on the submission, the Zoning Board of Appeals (ZBA) cannot decide until we finish SEQR. Mr. Watkins suggested presenting to the ZBA and final approval can only be done after SEQR.

Chris Koenig, C.T. Male Associates, 50 Century Hill Drive, Latham, NY 12110 (Applicant's Agent) submitted documentation April 10, 2023:

Submission Details:

- Access road is established off Bruynswick Road (county road).
- The next phase would be installing an 8' fence with timber post. Same material used around orchards and keep people out.
- The component is the panels themselves shown on single access trackers and moves through the day with the sun to maximize solar collection.

- Size is about 4' x 7' wide dimension of panel in rows spaced about 15' apart.
- Interconnection electrical from the transformer to the road.
- The line will be underground and then it will come up overhead at the site entrance.
- Will follow Central Hudson requirements.
- There is going to be approximately 70 utility poles interconnect to the pre-existing circuit along the road.
- Site is relatively flat, slopes gently to the north
- Dry stream runs intermittently in the spring and non-restricted small isolated pockets of wetlands.

Variations for the following:

- Tree clearing
- Buffer
- Area of use with access road and interconnection
- Planting around residents nearby to supplement what already exist.
- Limited clearing on the north side. Sun does not track to the north.

Genevieve M. Trigg, Partner, Barclay Damon, LLP, 80 State Street, Albany, NY 12207, review of Variations:

1. Code permits only 50% of lot coverage. Proposing 57% and that includes access road (7% area request).
2. Request a vegetation buffer variance. We would selectively need to clear cut some of the taller trees to prevent shading and scrub brush will remain and install evergreen.
3. Overall clearing. The town allows 10 acres. The proposal is for 23.9 acres which includes the access road and area between the fence line and property, maintained by the company.

Mr. Koenig further identified the vegetation on the map property outline. Mr. Watkins stated by law you are allowed to clear up to 10 acres and the Planning Board will be upfront in regards to clearing the acres. Mr. Fingar stated there will be no obstruction on the property line and identified on the map where the clearing will be and once the site is decommissioned, it will be removed by the company. The intent is to follow the laws.

Mr. Barnhart asked Mr. Fingar if he has seen the solar facilities in Orange County on Route 52 as an example of what should not happen? Given the status of our law in the Town of Shawangunk could you not build a facility compliant with what the law allows and still deliver the electricity and the product to the public? Mr. Fingar stated probably not financially. It would severely limit the output and the ability to serve your community for the electricity we would need to produce on site.

Central Hudson discussion:

Mr. Barnhart and Mr. Fingar discussed if Central Hudson has given the approval for the connection and Mr. Fingar stated yes, an opportunity to connect should we get an approval and go through construction.

Mr. Barnhart stated some of the other companies had to wait for Central Hudson before they let you connect and the facility sits awhile until connection is made. Mr. Fingar stated we would not be able to build unless we would be able to complete the project upon completion of the construction.

Discussion on tree size and removal along the property and fencing:

- Variance may be needed for trimming and cutting down of trees.
- Trees to be removed along the property are 60' to 80'.
- Any dead trees will be cut down no matter of size that are along the property and cleared.

- Trees 30' tall would remain and be kept trimmed (and do well after trimming) through the operation of the system and do not need to be spaced out.
- Proposed planting around the property where residents are nearby to compliment what already exists.
- The greenery in the fence line needs to be cleaned out.
- Species of trees found on property are red oak, pin oak, shag bark, hickory, ironwood, and mixed hard wood.
- Fence is 8' high with 8" inch spacing between the wiring and a 6" gap at the bottom of fencing will allow wildlife.
- Low impact fencing wiring; no barbwires or anything intrusive.
- Planning Board has permission to walk the site with prior notification.
- The Operation and Maintenance Plan submission plan does not say where or when trees are going to be trimmed, but the information can be included in further submission.

Mr. Szarowski asked if the DEC guidelines for spacing to avoid the storm water requirements. Mr. Koenig state the spacing is greater than the panel width itself. No issues with steep slopes. There is gentle sloping but on average, mostly flat.

Further discussions:

- No other batteries associated with solar array or energy storage on the site.
- Any future energy storage would HAVE to come before the Planning Board. There are no plans for energy storage.
- A security road would have to be added in case of a fire. As the project progresses this will be discussed with the Fire Department. Twenty-foot-wide access between panels is unacceptable.
- Testing for pesticides due to dirt moving.
- Mr. Koenig stated there will be Phase I ESA of the site to flag environmental conditions same as they do for orchards and includes testing for pesticides due to dirt moving.
- Mr. Watkins asked the applicants to review the list of concerns provided by the Planning Board Consultant, Bonnie Franson. A hard copy was handed to the applicant during the Planning Board Meeting by Mr. Watkins and asked to complete the missing items for further clarification.

Mr. Hoyt stated two things:

1. For the Planning Board to start the SEQR process, a few more things are needed to circulate and declare lead right away to send out a mailing. Target July meeting for a SEQR declaration to initial SEQR review and inform Zoning Board of Appeals of Lead Agency.
2. We do not provide for PILOT payments and by local town law, we opted out of the solar exemption.

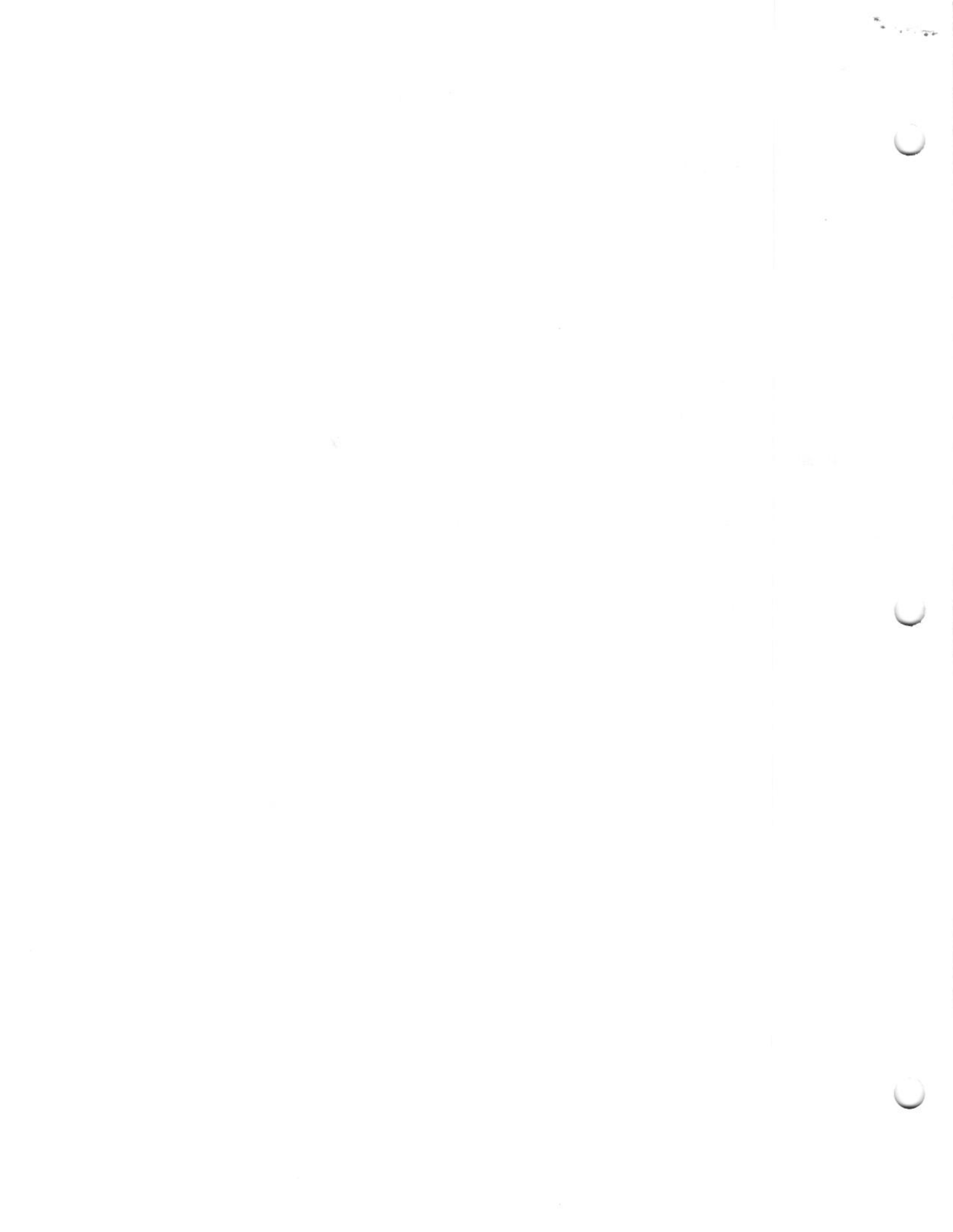
Mr. Koenig would like to know if the Site Plan will be enough to circulate the letter. Mr. Watkins stated he will review and inform of decision via an email.

ADJOURNMENT:

A first motion was made to adjourn meeting by Rich Barnhart, seconded by John Szarowski. Vote: All Ayes 4, Absent 2, Vacancy 1, Abstain: None

Respectfully submitted,

Mary Ann Longano, Secretary



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TOWN OF SHAWANGUNK

PLANNING BOARD

June 6, 2023

Public Scoping Session regarding

Elixir Design Build, LLC/

Blue Chip Farms

Location: Town Hall
14 Central Avenue
Wallkill, New York

Scoping session commenced at: 7:05 p.m.

Court Reporter: Laura Evans

MINUTES OF
PUBLIC SCOPING SESSION

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APPEARANCES:

Town of Shawangunk Planning Board:

- Mark Watkins, Chair
- Mary Ann Longano, Secretary
- Richard Barnhart
- John Szarowski
- Patricia Turner

Richard W. Hoyt, Town Attorney

For Applicant:

- David Alexanian, Developer
- Stuart Mesinger, LaBella Associates
- John Cappello, Attorney

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2 BOARD CHAIR MARK WATKINS:

3 Blue Chip Farm. Rich, do you want
4 to do the overview again?

5 TOWN ATTORNEY RICHARD W. HOYT:

6 Sure. Hi, everyone. Rich Hoyt,
7 attorney for the Town.

8 Probably some of you were here a
9 month ago. Maybe some weren't. This is
10 a continuation of what we call a scoping
11 session. It's to get the Applicant a
12 table of contents for their subsequent
13 environmental review called the DEIS,
14 Draft Environmental Impact Statement. So
15 tonight is a follow-up to the meeting a
16 month ago to get all the questions -- not
17 the answers, but the questions. The
18 Board will then approve the final scope,
19 and the Applicant will do his homework
20 and come back to us. When that
21 document's deemed complete, there will be
22 a formal public hearing. That's not what
23 this is. Again, this is to scope out the
24 issues.

25 BOARD CHAIR MARK WATKINS:

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2 So everybody knows that tonight is
3 the last night of public input in the
4 meeting. If the Board decides to close
5 the meeting, your request can still be
6 submitted in writing until the 16th of
7 the month. And then we're going to work
8 on putting together the final scope for
9 the project, and that will be reviewed by
10 the Board at the next Planning Board
11 meeting and may or may not be adopted,
12 just so everybody knows.

13 Do you want to do a quick overview?

14 MR. STUART MESINGER:

15 Stuart Mesinger with LaBella
16 Associates, the engineers and planners of
17 the project. I'm just going to give you
18 a real brief overview of the project and
19 then quickly run through the scoping
20 document. We're here to listen tonight.
21 This is not, as was said, a formal public
22 hearing. It's really an opportunity for
23 you folks to give us input into what
24 should be studied in the Environmental
25 Impact Statement.

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2 So the project is located on Blue
3 Chip Farm's property, Hoagerburgh Road,
4 Bates Lane, Old Fort Road. The property
5 is about 660 acres in all, a little more
6 than that. It's an existing horse farm,
7 as probably everyone knows here. It's
8 zoned R-AG4, which allows one house for
9 every two acres. So the as-of-right
10 zoning on this is somewhere north of 300
11 acres, not taking into account
12 environmental constraints, but that's
13 what the zoning currently allows.

14 Zoning also provides for something
15 called a planned development group, which
16 allows a mix of uses -- for example,
17 resort style or a planned development
18 style -- as long as it has a minimum of
19 50 units. And in a planned development
20 group, you can have other kinds of uses,
21 such as restaurants, spas, activity
22 centers, and so on. So the proposal is
23 for basically a resort-style development
24 of up to 100 cottages or small houses
25 with associated restaurants, spa,

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2 activities center, and then a clustered
3 subdivision of up to 88 lots, and in
4 addition, there's five conventional
5 2-acre lots. The way clustering works is
6 you take the land that would be allowed
7 under conventional zoning, remember we
8 have 2-acre zoning here, and you are
9 allowed to build some of those houses on
10 smaller lots as long as you keep the rest
11 of the land in open space.

12 So the open space land is here on
13 this other map. Out of the 660-some-odd
14 acres, we have 351 acres of open space,
15 so that's a little more than 50 percent,
16 and that doesn't include a golf course.
17 There will be a 12-hole golf course on
18 this dark green area, and that's about
19 another 91 acres. So in total, it's
20 about 440 out of the 660-acre property
21 that would remain as open space.

22 We tried to avoid wetlands and
23 100-foot buffer on the wetlands. Not all
24 the wetlands are currently regulated with
25 a 100-foot buffer, but we tried in this

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2 development plan to do that.

3 The golf course would be managed
4 according to integrated pest management
5 principles. The idea is to use less
6 herbicides and pesticides, use more
7 natural means of management. There's a
8 group called Audubon -- not associated
9 with the birds, but it has a similar
10 name -- that works with golf course
11 owners to manage golf courses in a more
12 environmentally sound way.

13 The project would have community
14 water, community sewer, so we're not
15 talking about septic systems.

16 The roads would be a mix of public
17 and private roads. The subdivision
18 portion would likely be a public road;
19 the rest would be private roads built to
20 a standard that would be less -- we want
21 cars to go slowly in here. We want it to
22 be pedestrian friendly and a place where
23 people want to come and relax and that
24 kind of thing.

25 DEC has some fairly robust

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2 stormwater management regulations that we
3 have to follow for a development like
4 this. I always like to say, when we do a
5 development project, about half of the
6 engineering battle is how do you manage
7 water and water runoff, so that's
8 obviously a big concern.

9 We're very well aware that the
10 project is next to the grassland bird
11 refuge. We've met a couple times with
12 the DEC about it. If you've been out to
13 the grassland refuge, it looks a certain
14 way. The grasses are very long. They're
15 managed in a certain way for the benefit
16 of the birds. When you look across the
17 way at the Blue Chip horse farm, you see
18 grass nibbled by horses down to the nub.
19 It's not the same habitat. So we think
20 that one of the things we can do with the
21 open space is manage it in a way that's
22 better for the birds. We've discussed
23 the possibility of donating some land to
24 the refuge, and we've discussed things
25 like providing financial contributions to

1 SHAWANGUNK PLANNING BOARD 6/6/23

2 the management. So all those things are
3 under discussion, to be discussed in the
4 EIS.

5 So let me turn briefly to how the
6 EIS works and how it's organized.
7 There's a copy of the draft scoping
8 document up here. There's also copies
9 available on the Town's website online.
10 The way it works is, we have a very
11 detailed project description at the
12 outset. We develop, in the engineering
13 world, something we call 30-percent
14 plans, which are pretty detailed
15 engineering plans. There's a lot of
16 detail so that we know to a pretty good
17 degree of certainty how the roads are
18 going to look, what the profiles will be,
19 what happens to the stormwater, and so on
20 and so forth.

21 And then we go through the
22 environmental analysis. If you walk
23 through this after we talk to you about
24 the project, for each area of the
25 environment, the way it works is there's