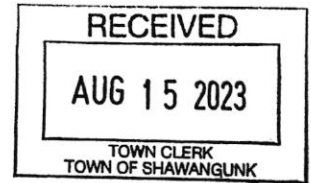


Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Town Office Building, 14 Central Avenue, Wallkill, New York, on the 1st day of August 2023.

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



Also present were: Richard Hoyt, Esq.; Bonnie Franson, AICP CEP; and Ryan Reid, Zoning Board of Appeals. 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 June 6, 2023 (There was no July Meeting)

A first motion was made by Richard Barnhart, seconded by Todd Widmark to approve the Minutes of June 6th, 2023. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

Michael Brander – Wildrick Road (Applicant No. 2022-10):

SBL: (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. Hoyt provided a summary of where the Applicant is in the process:

- The Town Highway Superintendent and the Applicant's representatives have been discussing how to address the existing road configuration. The Brander subdivision will involve the construction of a new bulb cul-de-sac which will be constructed to Town road specifications. The Town will be responsible for building/improving Wildrick Road approximately 200 feet to the bulb and will be Town's last opportunity to fix the problem to benefit the Town and Applicant.
- Brinnier & Larios have estimated that construction of the cul-de-sac bulb would have a value of \$65,000. The cul-de-sac bulb will be offered to the Town for dedication.
- It was agreed that the Planning Board would open the public hearing for the Brander subdivision.

A motion was made by Todd Widmark, seconded by Sal Patella, to open the public hearing on September 5, 2023, at 7 PM. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

Discussion of Intro LL#2 of 2023:

Mr. Hoyt explained the Town's referral of Local Law 2 of 2023 to the Planning Board. The proposed local law codifies 15 zoning law amendments into one coordinated volume. The law involves no new substantive map or text changes that were not previously adopted. The compiled zoning law must be adopted by local law, and it has been referred to Ulster County Planning Board for GML review. Mr. Watkins expressed that he spoke with Dennis Doyle who informed him the Planning Board would render a "No County Impact" determination. Mr. Hoyt recommended that the Planning Board report to the Town Board at this evening's meeting regarding its review of proposed Local Law 2 of 2023.

A motion was made for the Planning Board to recommend the Town Board adopt Local Law 2 of 2023 and to agree with the codification of the various zoning amendments into one compiled local law. Motion was made by Rich Barnhart, seconded by Todd Widmark. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

Ms. Franson asked whether the zoning map has been updated to address the location of the Borden Farm Overlay District. Mr. Hoyt indicated that the Town Supervisor found the old adopted Borden overlay maps and provided them to him. The zoning map will be updated to reflect the adopted boundaries. Mr. Hoyt indicated that the Town will need to determine how to get the 200+ page zoning document to the NYS Department of State for filing as well as the colorized zoning map.

Elixir Design Build, LLC / Blue Chip Farms (Applicant 2022-11):

Application 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 Alexandrian (for the Applicant) and Stuart Mesinger (LaBella Associates) were present for the Draft Blue Chip Scoping document discussion.

Mr. Watkins, Chairperson, discussed the revised scope and commended its comprehensiveness, taking into consideration the various public and agency comments, and the Board's comments. Mr. Mesinger had submitted written comments on the final draft of the scoping document and below is information regarding the discussion of these comments.

SECTION II DESCRIPTION OF THE PROPOSED ACTION:

1. Project Description Proposed Project – site plan scale - Section II A 2(a):

- The first item that was discussed was the site plan set. The Applicant was requesting that site plan maps at a scale of 1"=200' feet be submitted, which would allow the site to be presented on four maps instead of eight maps. With eight maps, the entire set will get very large and unwieldy and the cost of reproduction for hard copies will be significant. The Applicant will submit an electronic set which can be enlarged readily on a computer screen. Enlargements could also be submitted for key areas on the site, especially those that are discussed in the DEIS.
- Mr. Szarowki indicated the zoning law requires 1"=100' – there should be at least one set which meets the requirements that are filed with the Town. It was agreed that the plans would be created at 1"=100', and that copies would be made for whomever needed the hard copies of the plan. Otherwise, plans would be provided electronically. Maps associated with the DEIS need to be legible and can vary to some degree.

SECTION V EXISTING CONDITIONS, POTENTIAL IMPACTS AND PROPOSED MITIGATION MEASURE

- 2. Potential Impacts – provide comparison and/or analysis to similar project types with the Hudson Valley area – Section V A1c(2):**
 - Regarding the question about representative projects in the Hudson Valley, Mr. Barnhart indicated they did not have to be in the Hudson Valley, but examples should be provided of projects with representative components that the Planning Board could review and/or visit to get a sense of the use and see it in operation.
 - Silo Ridge was expressed as a comparable project, but did not necessarily represent all components of the project. It is a golf course and equestrian community. The Applicant is to indicate how these representative projects and the proposed project relate to the existing community – how are they integrated into community fabric. The discussion would be added to the Purpose and Need section.

- 3. Community Character/Visual Resources – discuss potential impact to decrease the scale of the project – Section V C3(e):**
 - Ms. Franson indicated it should go under mitigation and it was not only about scale in overall size but also building scale. Regarding the comment on “scale” under visual character, Ms. Franson indicated it was different than the alternative, as it was specifically addressing buildings and massing scale. The Scope would be refined to make this clarification.

- 4. Groundwater Resources – Existing Conditions – Section V E1(a) and E1(b):**
 - Regarding the on-site wells, the DEIS will include a map of all wells, and indicate each wells existing use. The DEIS and evaluations only need to provide specifics (e.g., well depth, etc.), regarding the wells that are proposed to be used either for potable water or for some purpose (e.g., golf course irrigation). The wells that will be abandoned will be identified. Existing wells will be documented in terms of its use, e.g., whether it is for horses, sprinkler systems, etc., and document what each well is being used for.

- 5. Groundwater Resources – Potential Impacts regarding wells – Section V E3(a):**
 - Discussion on making a change to section to add “and any new site wells” to the end of the first sentence in the first line of E 3(a). Mr. Mesinger stated we are likely to need more wells and reason why he would like “*and any new site wells*” added to section. Ms. Franson will add “*to existing proposed, and off-site wells*”.

- 6. Groundwater Resources – Potential Impacts regarding wells – Section V E3 (b):**
 - Suggested by Mr. Mesinger to add “*for the wells proposed to support the project*” after the word “protocol”. Ms. Franson stated it is also understood that you are doing off-site well monitoring. Mr. Mesinger agreed.

- 7. Groundwater Resources –Potential Impacts regarding snow removal belongs in Section II, “Description of the Proposed Project” – Section V E3(i):**
 - Ms. Franson stated the concern with snow removal is where the snow will end up in relation to wells that are used for potable water. It could be description but you also want to be able to analyze it and made the recommendation to move “addressed proposed locations for snow removal from parking lots and roads” to the Groundwater section but to be analyzed for impacts to both groundwater and surface water.

8. Vegetation and Wildlife – Existing Conditions regarding wood turtle’s habitat– Section V K1(a):

- The applicant noted that are no records of wood turtles on the project site and investigation of the site shows no wood turtle habitat. Ms. Franson is suggesting changing the Scope text to assess whether wood turtles are present on the site. Mr. Mesinger stated they reached out to agencies to determine if there is any potential turtle habitat in the Dwaarkill and there were no records of wood turtles on-site according to their investigation and no other native species of turtles. Mr. Patella would like to know what time of the year the study was done. Depending on the time of year, there is movement and they travel from streams, ponds, lakes, rivers to lay their eggs and they have been viewed in the Dwaarkill that runs along Mr. Patella’s property. Ms. Franson is recommending an assessment on wood turtle habitat on the site including the Dwaarkill. Mr. Mesinger agreed.

9. Vegetation and Wildlife – Potential Impacts – address impacts to bats and fall swarms within the Shagbark Hickory along Bates Lane. – Section K 3(d).

- Ms. Franson updated section to reflect Shagbark Hickory.

10. Traffic, Transportation, Pedestrians, and Transit – Existing Condition -- requests coordination with DOT but we note there are no roads under their jurisdiction – Section V L1b(1):

- A list of county and state roads were discussed regarding volume and traffic control and it was decided “No DOT Consultation”:

The below list of roads was addressed with traffic concerns:

Thruway to Exit 16 – Route 17	Route 208 (Wallkill Hamlet)
Route 84 to 52 or 208	Route 300 (208 and 300 intersection)
Albany Post Road	Route 52
County Road Route 7 (Bruyn Turnpike)	Route 17
Hoagerburgh Road	Route 302 (52 and 302 intersection)
Route 44/55	

- Mr. Mesinger addressed his concern that he never had to prepare a traffic study where the intersections analyzed were more than 8 miles and believes the project is not a giant traffic generator as not everyone will be traveling at the same time. Mr. Watkins stated with 100 cabins and the 80 homes there is potential for traffic as there are also hikers, people on walking on trails, people traveling to Minnewaska, New Paltz, and a significant impact to the Hamlet of Wallkill.
- An example of heavy traffic is when it is backed up from Goshen on Route 17 heading towards Sullivan County. The weekend traffic heading into New Paltz has a significant impact of traffic on Route 208 due to many folks who are hiking and bicycling on trails in the area. The Scope will be updated with the additional intersections being analyzed as per the Planning Board’s recommendations.

11. Automatic Traffic Recorder Counts – requests automatic traffic counts for 2020 or later. These should be either pre-2020 or post 2022 because of Covid – Section V L1(b)(1):

- Collect current traffic data for intersections listed in the draft document scope on Page 25 and 26. The data used for analysis shall reflect periods when schools are in session, outside of traditional vacation times, and during times of fair weather and normal driving conditions when area roadways are operating normally and without closures, restriction, accidents, construction, or other factors impacting normal traffic operating conditions. The Planning Board agreed that it would be best to provide traffic data post-2022 and after COVID.

12. Automatic Counts of Whiskey Hill Road and River Road – Section L1(b)1:

- Ms. Franson asked the Planning Board if a counter should also be on Whiskey Hill Road and River Road. Whiskey Hill is a short dead end and is not needed. Mr. Patella stated no counter for River Road is necessary since travelers are using GPS Navigation which is widely used by the population and unlikely River Road will come up unless they are lost or missed a turn.

Additional comments discussed pertaining to draft scope:

1. Mr. Szarowski requested to add realty sub-division under the Ulster County Department of Health for review. This should be included with water and sewer and to state “realty sub-division” for permits and approvals under Ulster County Department of Health on Page 2.
2. Mr. Hoyt stated the draft scope document should give one or two lines under Section M Community Demographics, Facilities and Services regarding “Disadvantaged Communities.”
3. Ms. Franson stated the potential provision of workforce housing, if constructed, needs to be described and analyzed. Mr. Mesinger recommended it be added to Facilities and Services. Workforce housing is being considered and would have to be disclosed under the Project Description if constructed.
4. Mrs. Turner asked if we can add golf carts. Ms. Franson stated in Section L - Traffic, Transportation, Pedestrians, and Transit - 3(k) Potential Impacts – Describe shuttles and golf cart use/lanes, and other on and off-road vehicle use. The usage of golf carts and bicycles to access other areas of the property addressed in the Introduction – Project Description stating cottages/small dwellings will range in size from 800 to 1,800 square feet. Guests will park at the Welcome Center and be shuttled by electric vehicle to a cottage/small dwelling and have usage of carts and bicycles.
5. Discussion of internal project site traffic circulation and how it relates to crossing public streets. Mrs. Turner asked how will it be controlled and will it become public nuisance to the general public? Cottages are shown on the project plan being on both sides of the street; how is this private traffic, such as golf carts going to monitored from the public streets if they chose to use such amenity? Ms. Franson stated part of their analysis includes these concerns to be addressed under section L 3 Potential Impacts – operating conditions to determine levels of service and queuing for the intersections including all new driveways and new roads.
6. Existing intersections and new roads are going to get analyzed as part of the traffic in Section L 1(c) - Existing Traffic Volumes; to make it more explicit. Section L 3 - Potential Impacts can include provisions for pedestrians, golf cart crossing and public roads to add design safety features.

7. Section C 1(b) – Community Character/Visual Resources Existing Conditions – Describe and provide photographs of the appearance of the Project Site from surrounding land uses to be specified by the Town. Include an inventory of all scenic and historic resources within a **five-mile radius** of the Project Site from which the Project may be visible. Provide appropriate mapping that demonstrates the inventory. The High School Track is one of the nicest school tracks in the area and the football field is a scenic asset of our Town and a beautiful view. Mrs. Turner would like to know what will the scenery look like when it is developed and is the High School in the five-mile radius? Mrs. Franson stated we will use the track site as an example pertaining to the view surroundings and work on a site list.
8. Section N 1(c) Fiscal Economic Conditions – Existing Conditions – Provide current Blue Chip Farms employment figures; how much revenue or employment this project is going to create relative to the construction and full-time and part-time employment? This is noted in Section 3(c) – Provide current Blue Chip Farms employment figures.

First motion to approve the DEIS Scoping Document for Blue Chip Farms, as modifieds made by Richard Barnhart, seconded by Sal Patella. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent: 0.

- Mr. Mesinger stated we need to be in touch regarding the visual piece to get the leaf-on done at least by the Fall.
- Ms. Franson stated she will make the edits and finalize. The Planning Board Department will handle agency circulation.

Rucinski-Scott Subdivision and Lot Line Change (Applicant No. 2023-04): SBL: 99.1-6-13.110 (28.2 Acres) & 99.1-6-13.200 (4.8 Acres), Address 39 Papuga Road, Pine Bush, NY 12566, Pine Bush School District, Shawangunk Valley Fire (FD174), Subdivision and Lot Line Change of Lands of Marian & Kathleen Scott.

No appearance; move forward to Tuesday, September 5, 2023.

Arthur & Brenda Cemelli/Kelly DiMarzo - Solar Generation (Applicant No. 2023-05): SBL: 99.2-3-17, Address: 2198 Bruynswick Road, Wallkill, NY 12598, 8.6 Acres, 1 Family Resident, Wallkill Central School District, R-Ag2. Installing a 8kW ground mounted solar array. System includes 16 silfab panels, and 16 enphase microinverters. No backup batteries in system.

- Discussion will be held at the next Planning Board meeting regarding location of panel and screening. We want to make sure it does not impact any neighbors. The documentation provided does not describe the surrounding properties and nearby buildings. The pictures show Summer time vegetation as opposed to Winter time when vegetation is much less.
- Application discussion moved to Tuesday, September 5 due to the applicant being a “no show” and information unclear.

Motion to forward Cemelli Solar Generation to Tuesday, September 5th. First motion Todd Widmark and seconded by John Szarowski. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

Motion to forward Ruzinski-Scott to Tuesday, September 5th. First motion Todd Widmark, seconded by Patricia Turner. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

US Light Energy – Wallkill Solar Array: SBL: 99.2-6-10, Address: 2319 Brunswick Road, Wallkill, NY 12589, and Wallkill Central School District, R-Ag4. Review solar array project site plan application.

Applicant contacted by Mr. Watkins and Mr. Watkins asked if they would like to be on the August 1st agenda. Chris Koeing stated they would not be present for the August 1st, Planning Board Meeting. Planning Board discussed the following regarding the project:

- This project is still open. County approval of a PILOT has not been received and applicant stated they would not be present at the August 1st Planning Board meeting per Mr. Watkins. No further information regarding variances being requested from the Zoning Board of Appeals. A smaller solar array was recommended and no variance will be required. US Light Energy commented, project would not be profitable with a smaller solar array.
- To move forward, SEQR review of the project is required. A letter stating, we are waiting to hear from the Zoning Board Appeals before we follow through with coordinating for lead agency status.
- At the June meeting, we projected this Board would declare a lead agency with the understanding of receiving further material for a mailing. July 5th Planning Board meeting was cancelled and ZBA opened their variance hearing on July 16th to continue to mid-August. The applicant received good information from the ZBA; however, they realized they need to go back and rethink their strategy per Mr. Hoyt.
- Additional comments:
 - We cannot sit back and not start the SEQR process.
 - You may not hear substantively from the ZBA.
 - Will send a letter to the applicant regarding request not be on the agenda and we are still waiting for material to declare Lead Agency.
 - Declare lead at the next meeting is questionable until we hear back from Applicant.

Letter received by Town Supervisor regarding Payment In Lieu of Taxes (PILOT) from US Light Energy applicant:

- Mr. Hoyt will ask Town Supervisor to respond to a letter from US Light Energy, who was under the assumption, the Town of Shawangunk allows payment-in-lieu of taxes (PILOT). The Town opted out of mandatory tax exemptions and there is no PILOT for solar facilities. You pay your full tax bill. The letter will advise US Light Energy the Town does not exempt solar facility from local property taxes. Towns that did not opt out was because they negotiate PILOT agreements for thousands of dollars per megawatts to try and make a few dollars.
- Mr. Hoyt stated we should declare lead at the next meeting, to be on record, and if they provided the information requested per Ms. Franson's memo. We believe this memo was never addressed and Mr. Watkins confirmed we have not received any material since our last meeting in June. Instead, they presented to the ZBA on Wednesday, July 19 regarding their variances. Mr. Hoyt stated a letter will need to be sent out this week to address the list of materials we need so we can circulate and not to drag this much further. However, until they submit, the letter will also state we cannot declare Lead Agency until we have everything required. Ms. Franson recommended we wait for a response before we circulate.

Other Comments:

- Town against using neighboring properties for project buffer.
- A 50ft buffer with their own vegetation was recommended.
- Applicant possibly looking into down scaling to comply with zoning
- From a financial perspective does it makes sense to downsize?
- Concerns were discussed regarding the neighboring properties and the buildings located on the lot.
- If ZBA grants any variances, Planning Board is concerned about establishing a precedent.

ADJOURNMENT:

A first motion was made to adjourn meeting by Patricia Turner, seconded by John Szarowski.
Vote: All Ayes 6, Absent 0, Vacancy 1, Abstain: 0, Absent: 0

Respectfully submitted,

Mary Ann Longano, Secretary