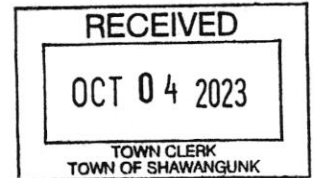


Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Town Office Building, 14 Central Avenue, Wallkill, New York, on the 5th day of September 2023.

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 August 1, 2023

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

PUBLIC HEARING:

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.

The following items were entered into record: Letter dated August 7, 2023 from Mr. Darren C. Doce, PE with sub-division revised plan, letter dated February 8, 2023 from NYS Department of ECM, and maps: Proposed Conservation Density Subdivision, Sanitary Facilities Design Plan, and Detail Sheets. Memorandum dated September 4, 2023 from Ms. Bonnie Franson, AICP CEP and Danielle Dreyer, Planning Analyst.

Mr. Darren Doce representing Brander - Wildrick Road project and discussed the below items regarding a 3 Lot sub-division with a cul-de-sac for single family homes:

- Individual wells and septic's approved by the Ulster County Department of Health. Access will be off of Wildrick Road to individual driveways and with a road extension of 200 ft. ending in a 63 ft. radius cul-de-sac.
- Tentative agreement with the Highway Superintendent and Town Supervisor to have the Applicant build the bulb to Town road specifications and either build before the map is signed or bonded.
- Town to improve the current 200 foot connection where current road ends.
- Highway Department plowed and used end of road as a turn around.
- Town will continue to plow the road and developers will build the bulb. Both parties agreed.

- Submission of a conservation area map may no longer be necessary and should be waived if not required. Board agreed to waive.

A motion by Mr. Sal Patella, and a second by Mr. John Szarowski to waive the conservation area map.
Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

Mr. Doce to follow-up on below items:

- Provide a Stormwater Pollution Prevention Plan (SWPPP) for review.
- Details and design to be made available to the Town Engineer and Highway Superintendent to inspect and review design by next month.
- Find out if the bulb is being built before maps are signed or bonded by the next Planning Board Meeting on October 3, 2023.
- Hudson Cultural Resource Survey was completed and will be forwarded to the Town. SHPO issued a sign-off letter which will also be submitted.
- More conservation easement area for Lot 3 to address the Town's policy to preserve no less than 50 percent of a site as open space.
- Provide draft conservation easement and submit for review by the Town Attorney to determine restrictions being placed on the conservation easement area lands for all lots that will be encumbered.
- Mr. Doce to follow-up with surveyor regarding a private right away next to the current Wildrick Road shown on map. Does it service lots to the West?

Planning Board follow-up items:

- Make a recommendation to the Town Board for a bond estimate approval.
- Discuss whether there should be more conservation easement area.
- The Planning Board Engineer should be involved in final review. Planning Board will check to determine if the Engineer has an up-to-date template for determining bond amounts. Costs need to reflect changes due to inflation.
- Two standard templates were mentioned: An agriculture and wetland preservation as part of the process. A template will be provided to the Applicant.
- Ulster County exempts 5 lots subdivision and under provided access roads and constructions are not in the 100-year flood plan condition and exempt from GML referral.

A motion to extend Public Hearing to October 3, 2023 at 7:00 pm by Mr. Sal Patella and a second by Mr. John Szarowski. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

APPEARANCES:

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 an 8kW ground mounted solar array. System includes 16 silfab panels, and 16 enphase microinverters. No backup batteries in system.

The following items were entered into record: Memorandum dated September 4, 2023 from Ms. Bonnie Franson, AICP, CEP and Danielle Dreyer, Planning Analyst. Pictures taken by Mr. Mark Watkins of land area for solar panel installation during a site visit on Sunday, August 13.

Mr. and Mrs. Cemelli presenting a solar panel layout on property and to discuss the type of screening required for project approval:

- Mr. Watkins visited the property and advised Mrs. Cemelli screening is recommended for ground mount solar to block the group home side of the property.
- Recommendation was to plant 4 deer resistant trees depending on type of trees that would provide most coverage all year round.
- A list of deer resistant trees and shrubs to be emailed to Mrs. Cemelli for applicant to choose type of tree species.
- Mrs. Cemelli was advised she could proceed to the Building Department and indicate to the Building Inspector the type of tree she will be planting based on the Planning Board's recommendations.

A motion by Mr. Richard Barnhart and a second by Mr. John Szarowski to advise Mr. Calaca, Building Inspector, of screening for solar panel and Mr. Watkins to make a final decision on type of deer resistant trees to plant. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

JRKB Properties – Darin Clagg / Kellen Barber (filing application on behalf of Mr. Clagg) – Lot Line Adjustment (Applicant No. 2023-07):

SBL: 104.42-4-8 and 104.42-4-9 (Lakewood Road). Owner Address: 24 Kobbs Korner. Pine Bush School District, Shawangunk Valley Fire (FD174). R-AG2, Property Class: Res Vac Land. Proposed Lot Line Change of land to merge properties together to build a single-family dwelling (pre-existing, non-conforming lot).

The following items were entered into record: Memorandum dated September 4, 2023 from Ms. Bonnie Franson, AICP CEP and Danielle Dreyer, Planning Analyst. Lot Line Change application received Thursday, August 17, 2023.

Mr. Darin Clagg and Mr. Kellen Barber presenting a Lot Line Adjustment to merge two properties for a total of 0.43 acres to propose a single family one bedroom home:

- Request to combine two properties/lot Line Merge on Lakewood Drive.
- One lot is 50' x 150' and the second lot is 75' x 150'. Once combined it will be a total of 0.43 acres.
- Proposing to build a single family - one bedroom residence.
- Applicant represented to ZBA previously with a favorable response, but no decision until the maps were final.
- Planning Board Chairperson does not see a problem with merging the two lots.

Mr. Hoyt stated the following items:

- In other jurisdictions, you can merge by Deed without Planning Board approval.
- A Building Permit for a single-family home may still need a ZBA variance.
- A lot merger is simple and not subject to SEQR under our new law if it is treated as a lot line adjustment.
- The Public Hearing can be waived.

Ms. Franson stated the following items:

- A variance may be needed due to size.
- Questioned if there were two separate Deeds (this was confirmed by Mr. Hoyt there are two).
- Ms. Franson requested clarification regarding buildings shown on properties and shed on adjacent property.

Mr. Barber confirmed there is a shed on the adjacent property.

Mr. Hoyt asked Mr. Reid from the Zoning Board of Appeals if the ZBA approved the Merger?

Mr. Reid said the ZBA preferred the approval to be through the Town Planning Board or Ulster County.

Mr. Hoyt spoke to Peg Hillriegel to see if a signature of a map from the Planning Board Chair would be needed and she stated yes because they are modifying a prior sub-division map and the map provided by applicant is the old Lake Shore Estates sub-division.

Lot Line Adjustment Approval:

Mr. Hoyt recommended approving the merger as a lot line adjustment but to make it contingent on getting the old maps to review and ensure Ms. Franson's comments are addressed or if the Board sees a reason to hold until the next meeting on October 3, 2023. Mr. Hoyt stated SEQR does not apply and a NegDec does not need to be prepared and is recommending to waive the Public Hearing.

A motion by Mr. Todd Widmark and a second by Mr. John Szarowski to waive Public Hearing. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

A motion by Mr. Richard Barnhart and a second by Mr. Todd Widmark regarding Mr. Hoyt's requests for the action to be deemed a SEQR Type II action. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

A motion by Mr. Richard Barnhart and second motion by Mr. Sal Patella to approve subject to Ms. Franson's comments from presented memo. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

Debra & Stephen DeEntremont – Lot Line Adjustment, (Applicant No. 2023-08):

SBL: 98.1-2-8 (1.4 acres of vacant land on Clarks Road), 98.1-2-9 (0.86 acres, one family residence on Clarks Road), 98.3-1-2.100 (5 acres of vacant land on Hansburg Road). Owner for 98.1-2-8 and 9: Stephen and Debra DeEntremont. Owner for 98.3-1-2.100: Stephen DeEntremont and Debra Ingrando. Pine Bush School District, Shawangunk Valley Fire (FD174). Lot Line Change of Lands to combine all three properties.

Submitted at the meeting: Five letters from neighbors confirming they have no objections to an accessory dwelling unit (ADU) they wish to build above their garage for an elderly relative. The following items were entered into record: Memorandum dated September 4, 2023 from Ms. Bonnie Franson, AICP CEP and Danielle Dreyer, Planning Analyst. The Applicant also submitted the lot line adjustment map (merger) at the Planning Board meeting on October 3rd meeting, which was not previously reviewed.

Mr. and Mrs. DeEntremont presenting a lot line adjustment by bringing in two other lots into their primary residence lot to build an ADU for 92-year-old mother and to meet the ZBA requirements:

- Mr. Watkins stated they have 3 lots they would like to merge that will give the Applicant a total of 7 acres in order to make it a lot that complies with the minimum lot area and then they can seek the add ADU for their mother.

Steps for the lot line adjustment and an Accessory Dwelling Unit (ADU) review process:

- The process for an ADU was recently streamlined and no longer a Planning Board Special Use Permit and now addressed by the Building Department first.
- The Building Department refers to the Planning Board for comments.
- Planning Board lets the neighbors know if they want to comment to attend a Public Meeting and the Planning Board will report back to the Building Department (letters from neighbors submitted into record).

- The Building Department proceeds with the permits.

How the process works:

- The Building Department has a check list to ensure all ADU requirements are met.
- When requirements are met by the Building Department, project is returned to the applicant with comments and refers them to the Planning Board, which has not happened yet.
- If the requirements are not met at Building Department level, it does not come to the Planning Board.

Mr. and Mrs. DeEntremont stated the following:

Approval was received from the Ulster County Health Department for the septic. Reason for the lot mergers is to take care of all the Zoning Board requirements and variances. Awaiting a response back from the Building Department regarding their previous submittal sent to all three departments: Planning Board, Zoning Board of Appeals, and Building.

To be able to process the ADU before the Board, it is contingent on the following:

- Building Inspectors referral is required.
- Send out notice to the neighbors for an opportunity to come to the October meeting.as long as applicant meets all the checklist requirements from the Building Department.
- Required lot area to be further reviewed.
- Mr. Watkins stated he will follow-up with the Building Inspector and advise if we can continue at the October 3, 2023 meeting.

Additional items discussed:

- Ms. Peg Hillriegel put a note on the map regarding the gross acreage and to waive the net area. Net area is when the Planning Board determines that the lot meets the minimum lot size and subtracts out environmental features (this cannot be waived; type of waiver does not exist).
- Road frontage is in front of all three parcel properties.
- Location of parcels are on the boundaries of Wawarsing and a letter will need to be sent regarding lot line adjustment.
- Applicant advised to follow-up with the Building Department to review list of requirements for the Building Department to process an ADU permit.

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.

The following item were entered into record: Memorandum dated September 4, 2023 from Ms. Bonnie Franson, AICP CEP and Danielle Dreyer, Planning Analyst regarding.

Mr. Larry Marshall presented a sub-division and lot line adjustment for the joint land of Marion and Kathleen Scott located on both sides of Papuga Road and New Prospect Road:

- Mr. Marshall stated the idea is to transfer land from one side of the property to the other to remove the hook that runs across Papuga Road to make a more formal parcel. This would become Lot 2. Transfer land from Lot 1 99.1-6-13.200 to Lot 2 (99.1-6-13.110) on Papuga Road and remove hook. Lot 3 will then be 28.25 acres along Papuga Road and New Prospect Road.

- There is topography as well a potential layout of house, well, sewer, and septic area.
- No percolation test was done yet but is scheduled.
- House on Lot 1 exists, house on Lot 2 proposed, no house on Lot 3, but plans to be sold.
- Final design to provide exact distance of sewer locations for proposed location.

Following items discussed:

- Mr. Watkins stated a perc test is needed in order to approve a lot.
- There must be a septic and house location shown for every lot because Planning Board cannot approve a non-buildable lot.
- Mr. Marshall will check with Surveyor who owns the Deed to Papuga Road. Mr. Marshall believes the town owns the road and there is no ownership of road by use. The survey indicates that the road is within its own right-of-way and not part of the lots. Mr. Hoyt believes it is a Town Road by Use.
- Mr. Marshall to review history of how the lots were created and when, based on a review of the tax parcel numbers (13.11 and 13.2) which identifies the lots had been previously further sub-divided.
- Mr. Hoyt stated that if the lots were sub-divided, there was a parent parcel at one time.
- Pond on property; request for Environmental Management Council (EMC) to look at property for Bog Turtle or other species.

Harrier Ridge Estates – Mako Homes – Lot Subdivisions (Applicant No. 2023-09)

SBL: 106.1-3-29.421, Address: Dubois & Malloy Road, 26.5 Acres, Property Class: Abandoned Ag-2, Wallkill Central School District, Shawangunk Fire District. Ten lots subdivision application.

The following items were entered into record: Memorandum dated September 4, 2023 from Ms. Bonnie Franson, AICP CEP and Danielle Dreyer, Planning Analyst. Mercurio-Norton-Tarolli-Marshall: Letter dated August 22, 2023 regarding Malloy Road and Dubois Road proposed subdivision with maps.

Mr. Larry Marshall presenting Harrier Ridge Estates for Mako Homes, Inc. Parcels located on Malloy Road and Dubois Road:

- Option 1 – Conventional Sub-division: add a through road between Malloy Road and DuBois Street; 2,000 ft. road to serve 10 lots (this option not preferred by applicants).
- Option 2 - Cluster Sub-division: layout of a short cul-de-sac road with eight lots off Malloy Road. Lots 9 and 10 would share a common driveway and come-off the frontage of DuBois Road.
- Properties have good soils, no wetlands, relatively a flat lot with some high and low points.
- Expanding the conservation easement on the lot which was previously required for the adjoining Mako Homes subdivision – the Applicant represented it has a minimum life of 30 years and then goes away.

Mr. Marshall stated they prefer not do a conventional sub-division and continue with the cluster sub-division with a cul-de-sac. This would layout a shorter road, with 8 lots coming off Malloy Road and 2 Lots from DuBois Road. Three conservation areas: A 1.19 acres, B. 8.95 acres, C 3.13 acres.

Mr. Marshall stated the DEC mandated the Dezemo 30-year conservation easement.

Mr. Barnhart requested clarification on the 30-year conservation easement. Mr. Marshall stated it is a conservation that would go away after 30 years.

Discussion on which proposal is preferred Cluster or Conventional:

Mr. Marshall is requested a cluster sub-division which has the cul-de-sac, 8 lots, 2 from DuBoise Road and 3 conservation easements. Lots 1, 6, 9, 10 are 2+ acres, Lots 2, 8, 7, are 1+ acres, lots 3 and 4 are 4+ acres, and lot 5 is 3.26 acres. Majority of Planning Board is requesting the conventional sub-division. This proposal has a through road from Malloy Road to DuBois Road, 10 Lots, with 2-acre homes and lot 7 and 8 with 4-acre homes. No conservation easement on proposal for this design.

Mr. Barnhart prefers conventional due to flow of through road and layout. The cluster looks too crowded.

Todd Widmark prefers conventional. No further building with conventional.

Mr. Szarowski prefers conventional for convenience.

Mrs. Turner prefers cluster for children safety due to less traffic with a cul-de-sac, long driveways will offer privacy. Screening to block nearby junk yard.

Mr. Sal Patella does not see benefit in cluster and shared driveway is of concern.

Mr. Marshall stated he will go back and update the map to make the cluster sub-division more desirable.

Ms. Franson The Applicant will resubmit revised layouts, taking into consideration the consultant and Planning Board comments.

US Light Energy – Wallkill Solar Array (Applicant No. 2023-01):

SBL: 99.2-6-10, Address: 2319 Brunswick Road, Wallkill, NY 12589, and Wallkill Central School District, R-Ag4.

The following items were entered into record: Letter dated August 18, 2023 from Mr. Chris Koenig, Project Manager, C.T. Male Associates, with attached Updated Part 1 Full EAF form. Memorandum dated September 4, 2023 from Ms. Bonnie Franson, AICP CEP and Danielle Dreyer, Planning Analyst.

Mr. Mike Fingar, USLE, Mr. Chris Koenig, C.T. Male Associates, and Ms. Genevieve M. Trigg, Barclay Damon, LLP representing US Light Energy solar array project and provide updates on the three zoning variances:

1. Lot coverage (redesigned and now current to solar regulations; the applicant represents there is no longer a variance issue)
 2. Amount of clearing on the property.
 3. Undisturbed vegetation.
- Applicant proposes to mitigate the tree clearing on a neighboring property.
 - Proposing a conservation easement with neighboring properties to make sure they are off setting a tree clearing. It would exist so long as the solar facility is in operation.
 - Requesting 22.5 acres of tree clearing over what is allowed. Applicant advised it should not be over 10 acres and they are still requesting a variance for tree clearing and aiming to mitigate.

Mr. Chris Koenig discussed recent submission on August 18:

- Advised of an updated EAF Long Form.
- Goal of lead agency circulation, and continue the work to be done with ZBA and Planning Board Technical Submission.
- Subsequent admissions will contain more detail site plans, visual studies, and exhibits.

Discussion regarding Town of Shawangunk's Solar Array Law:

- Applicant cannot use adjacent piece of property for a solar array.
- Clearing of tree cutting/removal, and vegetation. No trees will be cut in half – they will be cut to the ground but the stumps left in place.
- Continue problem with the amount of clearing of trees that is not compliant with the zoning standards.
- Applicant is requesting a deviation by going to Zoning Board for a variance.
- We stand by the Town Law and are open to Solar Arrays as the Town already has two that are compliant and we promote solar for other energy alternatives that will follow the law. The law indicates that the cutting of mature trees is subject to the limits.
- Applicant is going to provide information regarding the Solar Array's that have been constructed in the Town that deviate from the law and feel they do not comply.

Further discussions:

- Towns Environmental Management Council (EMC) should check out easement area that is being proposed – a question was raised whether the property has to be made part of the application as well. Consent will be needed to walk the site - EMC to review the site in general. This is to be coordinated by the Applicant. Ms. Franson indicated that if it is wetland already, then the easement is not protecting something that already cannot be disturbed.
- The concrete washout is to control erosion for concrete trucks before leaving the site. The concrete is poured to support the panel footing. A recommendation was made for the EMC report to include streams and the Dwaarkill are not impacted by the concrete washout.
- Wildlife assessment to be done to see if there is any potential impact or threats to species that may be present. It is a SEQR requirement to know which habitats are being removed. There are different protocols for habitat assessments that could be provided or pointed in the right direction if Applicants requests.

Mr. Hoyt discussed with Planning Board moving forward with Lead Agency and to have a vote.

A motion by Mr. Sal Patella and a second by Mr. Richard Barnhart to circulate for Lead Agency. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

DISCUSSIONS:

Miscellaneous Items:

- The final Blue Chip Farms scope was sent out electronically and posted to Town of Shawangunk website. Every member received a copy.
- There is no timeframe when we will hear back from Applicant. The Board does have a right to modify scope due to passage of time.
- Planning Board Training hours and upcoming courses for those interested in taking to meet their requirements.

ADJOURNMENT:

First motion to adjourn meeting by Mr. Todd Widmark, seconded motion by Mrs. Patricia Turner. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0, Absent 0.

Respectfully submitted,

Mary Ann Longano, Secretary