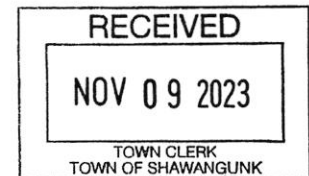


Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Town Office Building, 14 Central Avenue, Wallkill, New York, on the 3rd day of October 2023.

Those present were: 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 September 3, 2023

**A first motion was made by Mr. Todd Widmark and seconded by Mr. Richard Barnhart to approve the Meeting Minutes of September 3, 2023. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.**

***CONTINUATION OF 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 September 20, 2023 from Mr. Darren C. Doce, PE with sub-division plans revised. Proposed conservation density sub-division, sanitary facilities design plan, and detail sheet maps, Phase 1A Literature Search and Sensitivity Assessment and Phase 1B Archaeological Field Reconnaissance Survey, and Stormwater Pollution Prevention Plan (SWPPP). Memorandum dated October 2, 2023 from Ms. Bonnie Franson, AICP CEP and Danielle Dreyer, Planning Analyst.

- Mr. Barnhart asked Mr. Watkins if this was an expedited Public Hearing? Mr. Watkins stated we leave the Public Hearing open until we receive all information to close a Public Hearing.

**Mr. Doce provided a description of the sub-division 46-acre parcel:**

- A three-lot conservation density sub-division at the end of Wildrick Road.
- Average lot size 10.2 acres
- Twenty-three-acres of a conservation easement area
- Access from Wildrick Road at the 200 feet extension with a turn-around (to be a Town Road eventually)

**Discussion regarding cul-de-sac cost estimate:**

- Mr. Watkins confirmed the 200 feet extension the Town will be responsible for, and the bulb to be provided by the applicant. Town Engineer to provide cul-de-sac cost. Mr. Doce understands that the Town Engineer will come up with the cost estimate and will also review the plan and provide comments. Mr. Watkins advise Mr. Doce if he disagrees with the Town Engineer's estimate, he can provide his own.

**Discussion regarding Lot 2 relocation:**

- Mr. Watkins addressed Lot 2 being too close to the road with traffic and noise and recommended to move back closer to the north area. Mr. Doce stated they kept it where it is because it is 60 feet off the wetlands area but maybe can be moved another 10 feet. Ms. Franson asked if the house be back by Lot 1 due to a lot of useable area? Mr. Doce stated Mr. Brander wants all the land in the back for himself and that he is going to build on Lot 1 while his partner, who is not on the deed, is going to build on Lot 2. Third lot created to sell.
- Mr. Watkins pointed to the map and asked if the sewer can be moved to where the house is located on the map and move the house further back away from the road to give the house privacy. Mr. Doce stated he will look at it and talk to Mr. Brander about relocating house with the understanding Mr. Brander wants the houses far apart.

**Discussion regarding conservation easement and road bond:**

- Mr. Hoyt stated he did receive a mark-up of the conservation easement used for the DeGroot sub-division; probably would not be an Ag conservation easement because of the lay of the land. Mr. Hoyt stated he is comfortable with the conservation easement and this must be sent to the Town Board to agree and approve every conservation easement.
- Mr. Hoyt stated there was a form the applicant would fill out for the road bond and asked Mr. Doce if he can get that form with unit prices for all the work. Mr. Doce stated he has been asking for this from the Planning Board and Mr. Watkins stated we have from Mr. Larios and the Town Engineer is reviewing. Mr. Larios did a cost for the bulb only without the road. Mr. Hoyt also stated he will check to see if he has a form too. The Town Board has to approve the Bond amount and can be a condition of map signing.

**Discussion regarding right away extension:**

- Mr. Hoyt followed up on previous meetings regarding a right away. Mr. Doce would follow-up with the Surveyor regarding a private right away next to the current Wildrick Road to service potential lots to the west. There is a sizeable lot to the west which joins the right away on the map next to Wildrick Road. Mr. Dolce stated it runs parallel to Wildrick Road going from the Semeraro parcel down to Albany Post Road and not on the public highway. Only next to it. Mr. Doce stated it does intersect a small portion of the extension that the Town is building.
- Mrs. Franson asked if it ends at O'Donnell's because of the railroad crossing. Mr. Doce stated it crosses O'Donnell and the map shows the right away across O'Donnell. Ms. Franson stated that dash line ends at the property corner because it is entering the Semeraro parcel. Mr. Doce stated San Marino could possibly build something down there.
- Ms. Franson stated because of the construction roads is involved, is the SWPPP being reviewed by Shawn Arnott? Mr. Watkins stated yes, it is being reviewed by Shawn Arnott.

**A first motion was made by Mr. Todd Widmark and seconded by Mr. John Szarowski to extend the Public Hearing to Wednesday, November 8th, 2023. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.**

**A first motion was made by Mr. Richard Barnhart and seconded by Mr. Todd Widmark to provide the draft conservation easement to the Town Board. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.**

**Planning Board follow-up for bond estimate and conservation easement:**

- Mr. Watkins stated we will send out the easement and once we get the bond estimate next month, we can make that contingent upon approval. Mr. Doce agreed.

**APPEARANCES:**

**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.

The following items were entered into record: Survey Plat lot line adjustments map from Peg Hillriegel, L.S. dated September 8, 2023, letter from John Calaca, Building Inspector for ADU, and Memorandum dated October 2, 2023 from Ms. Bonnie Franson, AICP CEP and Danielle Dreyer, Planning Analyst.

**Discussion regarding the lot line adjustment/merge:**

- Mr. Watkins stated there are three different parcels being merged and we have received letters from neighbors agreeing to the DeEntremont's ADU for their 92-year-old mother. No concerns or issues to address from neighbors. The ZBA sent out the mailing notification to neighbors with no response during their ZBA meeting. No Public Hearing is required.

**A first motion was made by Mr. Todd Widmark and seconded by Mr. John Szarowski to agree Public Hearing is not required. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.**

- Mr. Watkins stated the Building Inspector provided a letter with an Accessory Dwelling Unit (ADU) approval as long as the list of criteria are met and the lots merge.

**Ms. Franson reviewed her memo regarding the ADU dated 10/2/2023 and discussed as follows:**

- Waiver from the net area is not necessary based on review of the zoning and should be removed.
- It does not appear the wetlands or other constraints are present based on aerial review.
- Existing garage proposed to be an ADU. Should this appear on the lot line adjustment map once the Building Inspector allows the ADU?
- Cannot comment on ADU application until made by the Building Inspector.
- Mr. Hoyt stated he spoke with the Building Inspector on 10/3/2023 to remind him of the check list that the previous Building Inspector, Robert Wallner, put together to be reviewed. Next, it would go to the Planning Board Chair for review. Mr. Hoyt suggested it would be unreasonable to make the applicant wait another month and went over the checklist verbally with Mr. Calaca, Building Inspector, over the phone. Mr. Calaca advised Mr. Hoyt there are a couple of items he will need to follow-up on with the applicant.

- Mr. Hoyt stated we can vote to approve the merger and the ADU or we can approve the ADU subject to any loose ends the Building Inspector has. The applicants are to prove they live there and the detached building was built before 2020. Mrs. DeEntremont stated it was built at the same time the house was built in 1987. Mr. Hoyt stated our law requires a structure be in existence as of 2020 in order to be converted to an ADU. This requirement has been met.
- Mr. Franson stated there is a note which indicates that existing garage is proposed to be ADU under LL 2 of 2022. Unclear if whether this note needs to appear on the lot line adjustment map and may be appropriate once the Building Inspector allows the ADU, if permitted. Mr. Watkins stated he does not think an ADU has to be on the map and we can move forward with the ADU approval contingent upon the Building Inspector checklist. Mr. Hoyt wants to make sure these three lots do get merged and that means the Planning Board Chair will sign maps and Peg Hillriegel to record with Ulster County Clerk.
- Mr. Hoyt stated the merge is within jurisdiction and the Planning Board is making a recommendation to John Calaca. The Planning Board has the right to object if the Building Inspector does not follow the advice and the Building Inspector would get back to the Planning Board as to why he is over ruling objection. Planning Board advises and ensures there is nothing outlandish on the map and Building Inspector moves forward.

**A first motion was made by Mr. Richard Barnhart and seconded by Mr. Todd Widmark to merge the three lots together. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.**

**A first motion was made by Mr. Richard Barnhart and seconded by Mr. Todd Widmark to recommend the ADU subject to the final items the Building Inspector, Mr. Calaca may require. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.**

**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: Letter from Mercurio-Norton-Tarolli-Marshall dated September 15, 2023 regarding sub-division and lot line adjustment, project narrative, short EAF, and maps (overview sheet, sub-division/lot line details, soil testing results. Memorandum dated October 2, 2023 from Ms. Bonnie Franson, AICP CEP and Danielle Dreyer, Planning Analyst regarding.

**Description of sub-division and lot line adjustment on Papuga Road:**

- Mr. Marshall stated this is two subdivisions and a lot line adjustment. The applicant is looking to subdivide a portion of land located on the western side of Papuga Road to the remaining land on the eastern side and complete a lot line change to Lot 2 and Lot 1 to comply. We would take land off the existing tax parcel that is labeled as Lot 1 and add it to Lot 2 to make compliant and sell.

**Discussion regarding land test results:**

- Mr. Marshall stated there were some questions at the last meeting regarding the septic system on Lot 2 and 3. These plans show the preliminary test completed on the lots with very good soil test results and completed the soil testing and perc test with the Ulster County Department of Health to satisfactory results.
- There are no issues with the two sewer system areas.
- We will complete the designs of those systems to see in the next submission.

- We ask for the two lot sub-division and lot line adjustment change and waive from the cluster subdivision regulations requirements.

**A first motion was made by Mr. Richard Barnhart and seconded by Mr. Todd Widmark to waive the cluster sub-division. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.**

**Discussion regarding Papuga Road and a Quit Claim:**

- Mr. Marshall stated Papuga it is not a formerly deeded road as we would see for Rolling Hills or Plains Estate sub-division. It is a 50-foot-wide Town Road. Applicant has no rights, title, or interest at all and are outside of those bounds. The road does not exactly fit into the 50-foot boundary in certain areas.
- Mr. Hoyt questioned if we request a Quit Claim out of the applicant because someone must own the road? No doubt it is a road by use but concerned no one owns and we might want a Quit Claim in favor of the Town. Mr. Marshall asked what would we be quitting to claim since applicant has no rights? Mr. Hoyt stated someone must own that road. Mr. Marshall stated he will research further as at some point someone seized ownership of the road. Whether it be through Quit Claim or Formal Deed, unsure but was deed over to the town. If there is a clouded title over the road, we can investigate issuing a Quit Claim.

**Discussion regarding turnaround on Papuga Road:**

- Mr. Hoyt asked if the turnaround was on the client's property. Mr. Marshall stated the turnaround is not on the client's property. The end of the road is about 500 to 600 feet beyond the edge of the property and the Highway Department can make the turnaround. It is a paved cul-de-sac. Ms. Franson stated from the aerial it looks like it existed since 1959. Mrs. Turner stated it shows up on the location map and you can see the turn around.
- Mr. Marshall stated he will have his surveyor look into the history of Papuga Road and provide a formal summary of ownership.
- Ms. Franson found in the Ulster County on-line database, Papuga Road shows up as a local Town Road and gives a length of 4.2 miles.

**Ms. Franson reviewed her memo dated 10/2/2023 and discussed the following items:**

- Ms. Franson stated a minor sub-division requires a Public Hearing; to be scheduled.
- Cluster sub-division must be submitted unless waived by the Planning Board. Lot 3 not intended to be developed.
- Highway Superintendent to review plans and determine driveways are acceptable.
- Applicant to consult with the NYSDEC before locating the buildings.
- EMC to visit wetlands.
- One of the conditions will be recreation fees; to be determined.

**SEQR comments:**

- The minor subdivision is classified as an Unlisted Action.
- The Planning Board can conduct a coordinated or uncoordinated review. Applicant requested the board conduct an uncoordinated review of the application.
- Short EAF submitted and should include all three proposed parcels.
- Planning Board to determine whether an archaeological survey should be performed. Applicant requesting not be required.
- Planning Board to determine whether site should be evaluated for potential presence of bog turtle habitat. Bog turtle is identified as a potential species.
- This is an area that is archeological sensitive but is also a small subdivision so may not be necessary due to the amount of disturbance.

- Mr. Szarowski asked if any permits are required and the response was no. Mr. Barnhart recommended to pass on SEQR. Mr. Hoyt stated when your surveyor looks into the road issue too also check parcel numbers, 13.11 and 13.2 that is on a map as part of a parent lot and at what point they were split off. Mr. Marshall stated they looked for sub-division maps and nothing noted. They were likely part of a parent parcel and were deeded off prior to zoning.

**A first motion was made by Mr. Todd Widmark and seconded by Mr. Rich Barnhart for a Public Hearing on Wednesday, November 8<sup>th</sup>, 2023. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.**

**Additional information regarding Papuga Road:**

- Ms. Franson stated to look at Liber 1104, Page 645. There is a deed from Adam and Eleanor Papuga to the Town of Shawangunk for a road from 1959. Ulster County allows to access the land records. Mr. Hoyt asked if Papuga goes all the way down to the bulb on the off-site parcel?
- Ms. Franson provided the following from the record:
  - piece of land, 50ft in width, to be used for Highway purposes
  - and sufficient land for a temporary cul-de-sac, 50ft in diameter
  - located at the westerly end described parcel
  - the temporary cul-de-sac to revert to the owner's area beyond the stopping point
- Mr. Hoyt and Mr. Marshall believe this may have been intended to go through as a horse shoe instead of a cul-de-sac because they refer to temporary and miss labeled as a 50ft diameter instead of radius. Mr. Marshall stated he will have his surveyor write-up a letter that gives the background.

**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: Mercurio-Norton-Tarolli-Marshall letter dated September 15, 2023 regarding updated cluster sub-division sketch plan and project narrative. Memorandum dated October 2, 2023 from Ms. Bonnie Franson, AICP CEP and Danielle Dreyer, Planning Analyst.

**Mr. Larry Marshall provided a review for Harrier Ridge Estates:**

- Mr. Marshall presented a revised plan for the cluster subdivision to address the Planning Boards concerns regarding lot sizes. There is not a lot of excess land on a conventional sub-division to keep 2-acre lots (2.01 and 2.06 acres) and a reasonable conversation area. Lots 7 and 8 are flag lots just over 4 acres each. To create a conservation easement and keep 2-acre lots, each lot would be reduced and defeat the purpose of a conservation easement.
- The cluster sub-division is a duplicate of the neighboring Mako Home sub-division with a 1000 ft cul-de-sac from DuBois Road to serve 8 of the 10 lots over an acre with the largest being just an acre and a quarter. The conservation area would be 13.26 acres added to the 21 acres next door to Mako Homes making it a 34-acre conservation area under two owners. Lots 1 and 2 mimic Lots 2 to 7 on the neighboring subdivision and continue the row of homes going up the hill.
- Mr. Marshall stated the zoning states the cluster sub-division allows you to mimic a lot of the Hamlet type developments. The cluster is a small community of 8 lots on a small cul-de-sac and desirable for home buyers with young children. The traffic would be for local home owners, deliveries, and mail. See other benefits outlined in the project narrative regarding the cluster sub-division to the Town.
- In reading through the regulations for the conservation or cluster subdivision, the biggest thing is the infrastructure cost between building a 1,000-ft. road compared to a 2000 ft. road (40% difference) and cost to the Town when the road is turned over.

**Comments from the Planning Board on the different sub-divisions:**

- Mr. Barnhart likes the conventional look better and keeping the design with the Hamlet.
- Mr. Widmark stated there are pros and cons to both and prefers lots that are more than acre. Regardless if it is a 1-acre lot or 2-acre lots, with 10 houses you are going to see 4 different basket ball courts on black top. Likes roads that are drive through in and out, but that could cause a lot of traffic issues. Mr. Widmark stated he is not 100% okay with the layout.
- Mr. Szarowski stated from an engineer perspective. One acre lots with well and septic get crowded really quick. Mr. Szarowski asked if the little boxes on the map are supposed to be the septic? Mr. Marshall stated subdivisions in Ulster County requires a reservation of 12,500 sq. ft. for the sewer area called an archaic regulation. There are two systems, the primary system is 100% reserved and 100% replacement system for each of these lots. The soil sites are all sand and gravel and will be very small. Must have a reserve 12,500 sq. ft.; that could fit four to five septic fields in those areas.
- Mr. Szarowski stated his concern with the number of small septic with the adjoining parcels on the back of Malloy Road and the location of their wells and septic. Mr. Marshall stated they were done over 30 years ago. The wells are in the front and the septic are in the back. Mr. Szarowski stated you are going over the 5-acre limit disturbance. How would you be dealing with the stormwater? Mr. Marshall stated they would go over the 5-acre limit whether for either sub-division plan would be handling that with infiltration practices. There is no formal drainage out to DuBois Road. We would look into utilizing the existing high infiltration rates of the soils and getting the water back into the ground locally as close as we possibly can to the sources.
- Mr. Szarowski stated another level of complexity to the wells and septic. Likes the way the conservation easements are backed up to one another. Concerned about the closeness and size of the lots in the plan.
- Ms. Turner likes the cluster sub-division and to work out the issues Mr. Szarowski brought up about the wells and septic. Mr. Turner stated it was nice raising her two sons on a closed road system, with 2-acre lots around, no through traffic, and able to ride their bikes and play in the street because it was more fun than the yard. This plan gives choice and opportunity compared to other cluster sub-divisions that are different for families in our community and does not ruin the character. A through road might add more traffic to DuBois and Malloy Road. An example is the neighborhood behind the High School that is vibrant and much denser and people like to live there. Not all home buyers and older home buyers don't necessarily want a lot of property to take care of.
- Mr. Watkin stated likes the through road and every lot around is a 2-acre lot except for the sub-division we just did that was done to create a parent lot so that we still have farm there. There was push back from neighbors regarding the Lasouska sub-division in front of our Board because of the number of homes. Mr. Watkins stated he does not see any issue with the traffic on Malloy and DuBois Roads due to the inlets and outlets of the other roads such as River Glen with 2-acre sub-division. Mr. Watkins does not agree with placing a cluster sub-division behind 2-acre zoning. You have Hampton Court and Malloy Road, DuBois Street, River Glen which are all 2-acre zoning and goes out to Bruyn Turnpike. No decision to be made this evening, but we will need to decide before the next meeting to move forward for the applicant.
- Ms. Turner stated I don't know if we are trying to shoe horn so many houses in the cluster that will impact the people so terribly.
- Mr. Watkins provided Larson lot as an example on Malloy Road. Instead of having two lots behind them they will have only based on the conventional plan whereas the cluster plan has two lots. The conventional plan has 4 lots and the cluster plan has 6 lots. The homes on Malloy Road would rather have the conventional backing up to their property instead of the cluster plan.

- Ms. Franson stated the conventional layout has to be approved and find out whether or not a cluster would even be acceptable. C.E. Penney houses were closer to a third of an acre (about 100 x 165) and their lot width is about 100 feet. The cluster has wider lots than C.E. Penney Drive which is about 145 deeper because they are an acre for a comparison to other lots. Mrs. Turner stated they are slightly wider and deeper and Mr. Marshall said about 50% wider. Ms. Franson stated their depth on the cluster plan is about the same as on Malloy, but their width is less. Ms. Turner stated they are not on top of one another and the only objection in the cluster is Lot 1 and 2 unless they were located where the other houses are. Mr. Marshall stated they can look that over and forward.
- Ms. Franson asked where the Mako homes are relative to the plan? Mr. Marshall stated we can mimic easily and was altered so it was not in a straight row. There is some flexibility.
- Mrs. Turner stated with the houses far apart from each other and you are not experiencing these lot lines in 3-dimensional space. I've seen sub-divisions where farms put big houses on top of one another in areas of Orange County and we are not doing this in the cluster plan.
- Mr. Marshall stated the size of the lots are of a major concern. It was noted Malloy, DuBois, and River Glen Road are all 2-acre lots at the time the zoning and there was no cluster sub-division when these lots were created. The cluster sub-division regulations were put in play to allow a neighborhood type development stated in the opening of the cluster sub-division regulations and to preserve farmland, steep slopes, wetlands, flood plains that we do not have. We have the ability to conserve 34 acres of continuous land and Lot 9 would be a great farm if bought. It is well drained soil, nicely sloped, and has the old apple orchard and a few trees. Comparing to DuBois Road would not be fair. The Board approved Prospect Heights 1-acre lots and 9-acre parcel in that sub-division. You have precedent stating you approved 1-acre parcels in a cluster sub-division in this Town surrounded by 2-acre parcels. If the Planning Board chooses not to have the cluster sub-division, we would ask for a referral to the Town Board.
- Ms. Franson asked if there is a way to take two of the lots that are next to the 2-acre lots and put them next to Lot 9 so they are not up against those existing homes and spread apart?
- Mr. Marshall stated he has no problem removing parcels from Lots 3, 4, 5, 6, 7, 8 to reduce what is seen behind Malloy Road. If the board wants the 50% under one ownership, this is the way to get it done. If the Board would like to consider something similar to Rolling Hills, less than 50%, we can remove several parcels and move back along Lot 9. Mr. Marshall is requesting to prove there are 10 lots permitted on this sub-division that exists and a matter of parcel arrangement.
- Ms. Franson stated the reason for the suggestion to move the lots is because if you look at the other side of the conservation easement there is not as much fuss as there would be on the Malloy side. It is a consideration by the Planning Board for the open space and if it is doable if there were fewer lots like the arrangement on Malloy Road then the number of lots that are there now? Maybe 4 instead of 6 lots.
- Mr. Marshall stated if we moved one out, 145-foot lot width would be divided up adding 50 ft to each lot. Lots 3 to 7 and 8 not so much because it turns the corner and perceived as being larger due to the open space. This suggestion would make the lots almost 185 feet wide.
- Mr. Marshall pointed out on the map to Mr. Hoyt the 4.4 acres conservation easement. Mrs. Franson asked if they could farm the conservation easement or were limitations and restrictions on that particular piece. Mr. Marshall stated the state requires the 4.4 acres has to be farmed and rolled into the same maintenance schedule as the neighboring piece. There are trees there to remain. The DEC regulations stated there is barrier habitat with no specific guidelines. Mr. Watkins stated it could be cleared and Mr. Marshall stated there was no prohibition against that.

- Mr. Marshall asked Mr. Hoyt if he could answer some of the questions maybe a week before the next submission deadline, October 20. Mr. Hoyt stated there was one question he saw about the 4.4 acre taking out of the lot analysis. Ms. Franson stated there were comments about meeting certain setbacks for the flag lots and if it was meeting zoning requirements. Mr. Marshall asked Mr. Hoyt if he would look into that for a resolution. Mr. Hoyt agreed.

**Stormwater and soil test discussion:**

- Mr. Hoyt asked if there would be Stormwater retention on the conventional plan? Mr. Marshall stated no. There would be stormwater facilities and they will be looking to do infiltration. Mr. Hoyt asked if there would be a pond? Ms. Franson asked or a basin? Mr. Marshall stated it could be handled with very shallow swales off the road. Ms. Franson asked if this is discharging to the Wallkill? Mr. Marshall stated no. We are not in close proximity to discharge. Mr. Watkins asked about the soil testing. Mr. Marshall stated we still have to do the soil analysis for each location depending on the plan that we go with.

***DISCUSSIONS:***

**ENAIID 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. Mr. George Lithco, representing ENAIID Properties.

The following items were entered into record: letter dated September 29, 2023 addressed to Mr. Watkins and Members of the Board requesting to extend its conditional approval for an additional 90 day period.

- Mr. Hoyt asked about Enaid's 90-day extension from October 4 and he is working with Mr. Lithco in regards to a common easement between the two lot owners on the same title. Mr. Watkins stated Mr. Szymczak dropped off the maps and spoke to Mr. Calaca, Building Inspector to request a letter to clear the violations.

**A first motion was made by Mr. John Szarowski and seconded by Ms. Patricia Turner for a 90-day extension starting October 4, 2023 and ending January 2<sup>nd</sup>, 2024 for Brian Drumm to sign the DEC wetlands boundary note on the plan, for the Building Department to confirm that the violations noted in its 2022 letter were addressed, and for the Town attorney to complete his review of the driveway declaration in order to have the Engineer submit the sub-division plan requesting the Planning Board extend its conditional approval for an additional 90 day period. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.**

**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.

- Mr. Watkins asked the public if anyone was here from US Light Energy and to advise they will not be present this evening as we are waiting for paperwork regarding Lead Agency. This is a 30-day process and we have another 15 days to go so we cannot rule on anything until further submissions and we hear back from other agencies.

***CORRESPONDENCE:*** No new correspondence was received.

Next Regular Meeting to be held on **“Wednesday”, November 8, 2023**

Dead line for submission is "**Friday**" **October 20, 2023** at noon.

***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