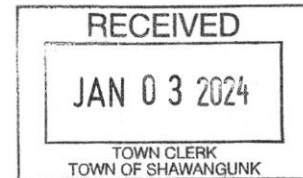


Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Town Office Building, 14 Central Avenue, Wallkill, New York, on Tuesday, 5th day of December 2023.

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



Those absent were: Richard Barnhart

Also present: Richard Hoyt, Esq.; Richard Blazeski, Highway Superintendent; and Alex Danon, Town Councilman. 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 November 8, 2023

A first motion was made by Mr. John Szarowski, and seconded by Todd Widmark to approve the Meeting Minutes of November 8, 2023. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.

PUBLIC HEARING:

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.

Entered into record:

Final Conservation Subdivision Plat Approval Resolution and Schedule A – Conditions of Final Conservation Density Subdivision Plat Approval by Bonnie Franson, AICP CEP, PP of Nelson Pope & Voorhis. MHE Engineering Technical Review by Shawn Arnott, P.E. dated 12/5/2023. Cost Estimate for Cul-De-Sac Bulb Conservation Density Subdivision on Wildrick Road dated 11/27/2023 and Revised Plans and Map dated 11/15/2023 from Darren C. Doce, P.E.

Mr. Mark Watkins informed the assembly this is an open public hearing.

Project Description:

Mr. Darren Doce stated the parcel is located at 46 Wildrick Road. A 46 acre parcel, 3 Lot conservation density subdivision, and an average lot size of 10 acres. The lots will be built with

wells and septic systems. The access to Wildrick Road through the extension is approximately 200 ft. to Wildrick Road and a 50 ft. radius turn around. Mr. Doce stated since the last meeting, a bond estimate was provided for the cul-de-sac and showed monuments on the conservation density easement spaced no more than 150 ft. apart and is the only change to the plans based on the last meeting.

Conservation Density Easement:

Mr. Mark Watkins questioned if the applicant expressed anything they want to do in the easement because when we finalize the easement area, normally there are things you are allowed to do and most things you are not allowed to do? Mr. Doce stated the easement was drawn up and it does limit what they are doing.

Mr. Rich Hoyt stated a normal agricultural (Ag) easement you have farmlands but this is not an Ag easement for the Board's information. It is a model from the Robert DeGroot subdivision off St. Elmo Road. Open space, but not necessarily farmland, and the draft for Brander does not call for any structures. Therefore, no need for the Boards to figure out where and how large they are. Mr. Mark Watkins stated after reading through it, I did not see anything. They are aware of it and we can move forward.

GPS (Global Positioning System) to Track Markers:

Mr. Dave Haldeman, EMC, stated he has a question for the Board to consider. Since we and the Environmental Council have to go out and look at these conservation easements, it is getting increasingly difficult year after year to find the markers as we go through weeds. Is there a way to put GPS on the markers to make it easy to find through their phones? Mr. Watkins questioned the board how they felt about it and stated it is a great idea to make it a policy. Mr. John Szarkowski stated there are requirements and Mrs. Patricia Turner questioned how does it happen and what is the process? Mr. Haldeman stated there are a couple of technicians on his committee that will know and has an example of using a homeowner's GPS to find the markers.

Mr. Sal Patella questioned there is a significant impact on the applicant and Mr. Haldeman stated that he did not think so, but could not say 100%. Mr. Watkins stated we should check into this. This should be the way to check since a lot of these areas are marked and it is not in the middle of the field like Lott Ventures. Mrs. Patricia Turner stated it would be helpful to the owner of the property because it is very easy to forget but not if it is marked on a GPS to track.

Mr. Watkins asked Mr. Szarkowski if he had any input. Mr. Szarkowski stated normally with a GPS Tracker you would have a database to store them all in and can easily be setup and you would be able to find every marker in the entire Town municipality. Mr. Watkins questioned even if we have the old easements, can they be found? Mr. Szarkowski stated they can be found by going out there and finding with your phone, whether it is a hit or miss and that goes into a database with the Town and my firm does this all the time. Mr. Watkins questioned if there is a significant cost factor. Mr. Szarkowski stated there is a little time associated with it but going forward you can get a tablet setup and when you go out to inspect them, you can say I am here and it will go into the database as you go through the lots and inspect each easement. Mr. Watkins stated it would probably be good for the Engineer to put them in anyway. Mr. Szarkowski stated yes and going forward you would need a coordinates. Mrs. Turner stated that should be something we request on our final plans; the coordinates of the markers.

Mr. Richard Hoyt stated the conservation easement markers shall be located via a GPS locator. Mr. Szarkowski stated the GPS locator would be incorporated into a GIS (Global Information System) database. Mr. Watkins stated we will have Mr. Rich Hoyt finish up the language for this request.

Mr. Watkins stated he would like to have a first and second motion to start making it a Board Policy to require that the conservation easement markers be on GPS coordinates. Mrs. Turner stated and to be located on final maps. Mr. Watkins stated they are on the final maps. Mrs. Turner stated with coordinates because we show them on the maps but we would have to record them somehow on the map other than just showing them.

A first motion was made by Mr. Todd Widmark and seconded by Mr. John Szarkowski to approve conservation easement GPS markers and a GIS database system. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.

Mr. Watkins asked Mr. Hoyt if he would finish the language for the GPS and Mr. Hoyt stated yes.

Final Approval Resolution and Negative Declaration Review:

Mr. Hoyt stated in absence of our Planner this evening, things will be done differently. While we have a final approval resolution, as far as the Negative Declaration, Mr. Franson had a family emergency and was not able to complete prior to tonight for the Brander or the Rucinski-Scott subdivision. Mr. Hoyt stated he took Part II and Part III of the Environmental Assessment Form, for unlisted actions. I will provide a run down to the Board of Part II impact assessment and a few findings we can make orally on Part III. In Part II, there are eleven categories and a finding of no or small impact on all eleven.

1. Is there a conflict with adopted land use plan or zoning in the Town? No.
2. Will the action change the use or intensity of land? Yes, but small and moderately. This is a three-lot conservation density subdivision. Three single family homes on a 46-acre tax parcel. The lots exceed an average of 10 acres in size. Disturbance is minimal. There is no further subdivision. Formal wetland and permitting is not required. SHPO signed off in August of 2023. The applicant will construct a turnaround at the end of Wildrick Road. No moderate to large impacts noted. This is the review draft findings for Part III. Going back to Part II.
3. Will there be an impairment of the character and quality of the existing community? No.
4. Will the action have an impact on the critical environmental area? No.
5. Will it result in an adverse change to traffic levels, mass transit, biking, or walkway? No.
6. Will it cause an increase in use of energy? No.
7. Will the action impact consist of public or private waste water treatments? No, there is sub-surface septic.
8. Any issues with historical archeological architectural or esthetic? No.
9. Adverse change to natural resources? No.
10. Increase in erosion, flooding, or drainage problems? No.
11. Any hazards to environmental resources? No.

Mr. Hoyt stated he wants that in the record before the closure of the subdivision hearing because the case states you must do SEQR first. We split the difference here and during the

hearing. Anybody can comment while the Public Hearing is still open. If there are no comments, make a vote to close the Public Hearing. Circle back to Mr. Hoyt for two votes, the NegDec, and the actual approval. Mr. Watkins stated we vote the NegDec and then we close the Public Hearing. Mr. Hoyt stated it can be done either way.

Mr. Watkins stated we are not going through that process again for the next one. If there is any adverse impact, I would ask you mention just that one. Mr. Hoyt stated in the absence of a written resolution, I need the record to reflect you did more than say aye for a NegDec with no findings.

A first motion was made by Mr. Todd Widmark and seconded by Mr. John Szarowski to accept Brander NegDec as stated. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.

A first motion was made by Mr. Todd Widmark and seconded by Mr. John Szarowski to close Brander Public Hearing. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.

Bond Estimate:

Mr. Watkins stated he discussed the estimate with the Highway Superintendent for the \$81,069.54 and at their last meeting it was worked out and sent to the Town Board to review during the Thursday night Town Board meeting. Mr. Szarkowski stated the asphalt number on the estimate is still very low. The quantity they are buying stills seems to be off and I would not want to pave my driveway with these numbers. Mr. Watkins stated the Highway Superintendent looked it over and he seemed to think it was okay. Mr. Patella confirmed that was the \$81,069.54 figure and confirmed the curbing in not necessary. Mr. Watkins stated yes and we will use part of the \$81,069.54 for the escrow account inspection fees in the amount of \$3,860.45 to be reimbursed to the Town. When the Town goes out and inspects the road and makes sure everything is done, those inspections get paid out of the escrow account. Mr. Szarkowski stated the bond is typically used when the developer fails to make the improvements, the Town holds the bond to make improvements and do the work.

Schedule A – Conditions of Final Conservation Density Subdivision Plat Approval:

Mr. Hoyt stated based on the memo, the Town Board received, he is not sure the cash inspection is in Mr. Doces' list and to notify the Town Board as they might not have read Schedule A. Mr. Watkins stated we will send Schedule A to the Town Board.

Environmental Assessment Form (EAF):

Mr. Richard Hoyt referred to Page 1, Paragraph 5 stating Mr. Darren Doce submitted a long EAF. Due to time constraints, we went back to the original short EAF. Parts II and III we went over were from the short EAF which is fine for an unlisted action.

Schedule A Review of Conditions:

Mr. Hoyt reviewed Scheduled A and made the following comments:

1. The normal submission of 1 mylar and 12 copies of the final subdivision plat in proper form.
2. Final plat to comply with all Zoning Laws and Subdivision Regulations.

3. Payment of all outstanding applications, reviews, and other fees, which is all standard.
4. The final plat to be consistent with the NegDec. Unfortunately, there is not a narrative to refer to but will leave in Schedule A.
5. Important; maps to be reviewed by Mr. Watkins and Mr. Hoyt to make sure everything is good. Ms. Franson has a statement, "all easements must be acceptable." The easements known: small drainage easement, two conservation easements, and snow storage easement. Mr. Hoyt has drafts from Mr. Brander. All of which can be of conditions before maps are signed.
6. Final Engineer comments shall be addressed. Mr. Arnott had a comment about the SWPPP, which Mr. Darren Doce addressed, and Mr. Arnott may not have seen yet and report back on it, but it is covered.
7. We have meets and bounds for the two conservation easement areas for the title insurance.
8. Final Performance Bond Estimate has already been done. We require cash, bank account assignment or Irrevocable Letter of Credit with an automatic renewal clause. Added: separate cash for inspections.
9. The Performance Agreement; there is a draft the developers sign-up and finish the road in 18 months or before the first CO is issued. Mr. Hoyt stated he is aware Mr. Blazeski does not like roads to be finished before constructions of homes, but it does not always work that way so it is tied into the first CO.
10. Provide Offer of Dedication for the entire Wildrick extension. After the cul-de-sac is finished and inspected, the Town will require a Deed to the fee title. The Town will not take ownership until the work is done. This shall be completed prior to the issuance of the first certificate of occupancy, or within 18 months, whichever one is earlier. When the cul-de-sac is accepted, the performance bond has to be swapped out for a two-year Maintenance Bond.
11. The Applicant shall obtain access road permits for any driveway entering the Town Highway.
12. Mr. Hoyt questioned Mr. Doce if he already has the Ulster County Department of Health approval? Mr. Doce stated "correct."
13. All the utilities within the street right of way shall be shown on the plat. All utilities buried underground. No street lighting proposed. No above ground mounted equipment shall be placed within the snow storage easement area.
14. Conservation Easement will be prepared and reviewed in a form found acceptable to the Town Attorney and approval by the Town Board. Conservation Easement to be filed with the plat. No building permit issued until all easements are recorded and the title insurance policy has to reflect the reflect the priorities on the easement areas and the Wildrick Road extension.
15. Notes on the plat to be reviewed by the Town Attorney referencing the Conservation Easement:
 - a. Advising owners of Lots 1 and 3 are subject to the Conservation Easement;
 - b. Advising new owners there is no further subdivision other than lot line changes not involving of a new building lot.
 - c. Conservation Easement will indicate what structures are permissible as per Planning Board and Town Board determination and do not believe there are any.
16. Conservation Easement markers shall be installed in locations as shown on the plat. The design and location shall be shown on the plat.

17. Baseline Report has to be prepared. We never except a conservation easement without a Baseline Report so ten years from now there can be no dispute what was there and what was not there.
18. Digital version of the final map with limits of open space will be required and added the conservation easement markers should be located by GPS locator and available to be in accordance and uploaded into a Global Information System (GIS) database.
19. Recreational fees due for two (2) new lots. We always give the owner one freebie as Mr. Brander could pull one building permit for the 46-acre parcel. Without having to come to the Planning Board so it is usually the number of lots minus one.
20. Disturbance construction activity; the applicant shall comply with the DEC and Storm Water permit and evidence the filed NOI shall be furnished to the Planning Board and Building Department. Two copies of the final SWPPP will be submitted to the Planning Board.
21. The applicant will submit a storm water inspection fee as required by the Town.
22. Final review shall be conducted by the Town consultants prior to the Chair signing the maps.

Two Additional Conditions for Schedule A:

1. The SWPPP will be amended per the December 5th comments from Mr. Arnott. He was looking for a couple of extra things to be seen in the SWPPP.
2. Mr. Hoyt provided to Mr. Doce, a reference to a possible Road Maintenance Agreement from long ago and may have to do with the private right of way that is next to Wildrick Road but not on Wildrick Road where it meanders' back and forth. Mr. Hoyt asked Mr. Doce to get a copy of the Road Maintenance Agreement and it may require a further note on the map.

A first motion was made by Mr. John Szarkowski and seconded by Mr. Todd Widmark to except the Brander Final Plat Approval. 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 items were entered into record: Mercurio-Norton-Tarolli-Marshall transmittal letter dated November 17, 2023 with maps for revised subdivision plan. Final Minor Subdivision Plat Approval Resolution and Schedule A – Conditions of Final Minor Subdivision Plat Approval by Ms. Bonnie Branson, AICP CEP, PP of Nelson Pope & Voorhis. Mr. Marshall stated this is a proposed two lot subdivision and lot line change where we are adding land being taken away from another parcel and adding it to the westerly portion of parcel located on the corner of New Prospect Road and Papuga Road to make it a conforming lot and divided from the main land that is hooked across the road. We are proposing one new home on the new Lot 2 and a shown house, well, septic, and proposed driveway to access from the road. The remaining land is Lot 3. We have shown proposed improvements for illustration purposes only and have it noted, there are no plans to construct on Lot 3. Only the new home on Lot 2 and adjusting the property lines. We have responded to the comments from the Town Planner as well as the Town Engineer. To update the Board, we have not received any correspondence

back from the Department of Health. Not uncommon lately due to being extremely back logged with work.

Mr. Watkins asked the Board and Public if they have any questions for Mr. Marshall.

Mr. Hoyt provided an abbreviated version review of the NegDec and the same format we used for the Brander applicant.

1. All 11 categories were filed with no or small impact.
2. Findings; no moderate to large impact identified for this future configuration of two existing tax lots.
3. A total of approximately 33 acres with one existing home. One is 28.2 acres, and another with 4.8 acres.
4. Federal Wetlands is 2.01 acres and a 100-year flood plan of 0.47 that will not be disturbed. This disturbance area is to be added in the NegDec.

Mr. Hoyt stated a resolution can be adopted finding that this project will not result in significant adverse environmental impact.

A first motion was made by Mr. Sal Patella and seconded by Mr. John Szarowski to accept the Rucinski-Scott NegDec. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.

A first motion was made by Mr. Sal Patella and seconded by Mr. John Szarowski to close the Rucinski-Scott Public Hearing. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.

Papuga Road – Drive Permit and Culvert Pipe:

Mr. Blazeski, Highway Superintendent, advised Mr. Marshall that he may need a small pipe under the driveway. Mr. Blazeski identified this location on the map presented at the Planning Board meeting. Mr. Blazeski stated there is a down-hill slope by the cross-pipe that catches a lot of water. From the cross pipe down, there is still a lot of water that will continue down to New Prospect Road. We may even amend the driveway permit to allow 12” pipe so the ditch does not need to be that deep as it will create more of mess and does not need to gather that much water. Mr. Marshall stated they made a map note to work with the Highway Superintendent and will provide him with the Deeds.

Mr. Watkins asked to add above as condition Number 10 on Schedule A. Mr. Hoyt stated we can add to Number 9 and add Highway Superintendent to the list of people to sign. Mr. Watkins stated he would like it to be added as Number 10 because then we know Mr. Blazeski will address it. Mr. Watkins added the language to be: contingent on Highway Superintendent addressing the drainage issue for the driveway.

Mr. Marshall questioned Mr. Blazeski if he would like to add 12” culvert now or at the time of permit. Mr. Blazeski stated it can be done at time of permit as long as location, wherever it is staked, we will do the driveway permit to the pipe size. Mr. Watkins stated this is allowed, but we usually put it in on the map to make sure it will be addressed. Mrs. Turner questioned if this was covered under Number 4? Mr. Szarowski stated we already talked about the driveway permit. Mrs. Turner stated we may be able to elaborate on Number 4. Mr. Watkins stated, yes

and it states the applicant shall obtain an access permit for any driveway entrance into a Town highway. Mr. Blazeski stated which will provide the driveway permit process and then address the pipe at that time, but not on the plan as you would like to see. Mr. Watkins stated we usually put it on the plan and then we go from there. Mr. Watkins questioned Mr. Marshall if he could take care of putting contingent on the Highway Superintendent. Mr. Blazeski stated if the Planning Board would like to show it on the map, then it can be put on the map. Mr. Marshall stated it is not a problem and can be added.

A first motion was made by Mr. Todd Widmark and seconded by Mr. John Szarowski to close a Public Hearing. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.

Final Minor Subdivision Plat Approval Resolution:

Mr. Hoyt briefly reviewed Ms. Franson's plat approval resolution stating the history of the application and short EAF and the plans have been reviewed and revised. The Public Hearing was open, continued, and closed this hearing.

Schedule A Review of Conditions:

Mr. Hoyt reviewed the Scheduled A to the Planning Board and applicants as follows:

1. Final plat map: submission of 1 mylar and 12 copies of the final subdivision plat in proper form, revised to conform to the conditions of approval and requirements of regulations and zoning law.
2. The final plat shall comply with all requirements of the Zoning Law, Subdivision Regulations, Town Street and Road Specifications, and other applicable laws.
3. The final plat shall be consistent with the Neg Dec adopted by the Planning Board on December 5, 2023 and incorporated into the resolutions. The NegDec was done differently than the norm and included in the approval.
4. The applicant shall obtain road access permits for any driveway entering the Town Highway.
5. All utilities underground. No street lighting is proposed.
6. Final approval with the Ulster County Health Department.
7. Pay all outstanding application, review, fees, and approval of final subdivision plat.
8. Payment of recreational fee; Ms. Franson is suggesting only one new lot and only new fee.
9. All map notes reviewed by the Chairman and Town Attorney prior to map signing and all easements must be acceptable to the Town Attorney. Mr. Hoyt stated he believes there are no easements.
10. New condition added: Highway Superintendent to address any drainage.

A first motion was made by Mr. Todd Widmark and seconded by Mr. John Szarowski to approve the final minor subdivision plat approval resolution. Vote: All Ayes: 5, Vacancy: 1, Abstain: 0, Absent 1.

APPEARANCE:

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 lot subdivision application.

The following items were entered into record: Mercurio-Norton-Tarolli-Marshall letter dated November 8, 2023 with maps. Memorandum dated December 1, 2023 by Ms. Bonnie Branson, AICP CEP, PP of Nelson Pope & Voorhis with comments in regards to letter from MNTM dated November 8, 2023.

Mr. Marshall stated they submitted an alternate conventional plan and a cluster subdivision plan just prior to the previous meeting. We presented the plan and briefly explained the plan at the last meeting although we did not discuss with the board due to the tardiness of the submission. The most recent cluster subdivision shows a 1,000 ft. cul-de-sac off DuBois Road. We rearranged the lots so the conservation is under one owner, being Lot 8. and does encompass 50% of the land parcel. The arrangement is a little bit different by reducing the number of lots that back up to the four parcels along Malloy Road. Previously, in the cluster subdivision, there were 6 lots. By widening those lots, it reduced it down to 5 lots along the rear line of those parcels. We also provided approximately a 75 ft. conservation space between those lots and the existing Malloy parcels, and lots 3 through 7. The land would be under conservation easement but will also be under the ownership of Lot 8. A crazy-unique shape to Lot 8, we felt it was better to have Lot 8 own it then any of lots 3 through 7 own it that provides a better means of buffering as Lot 8 would likely never touch it and 3 through 7 would have no right to access it in any means. We provided the plan for your consideration and obviously from a standpoint of an overall cost of a cluster subdivision and cost benefit in terms of dollars to the highway Department, we feel the cluster subdivision is a better alternative. It provides a connected conservation easement to what happens to be Lot 8, Mako Homes on the adjoining Mako Homes subdivision creating one continuous conservation easement area, and while Lot 8 is a unique lot, it will be a nice parcel if constructed. It comes off the end of the cul-de-sac and will be an open field or an orchard overlooking the other Mako Home subdivision. We are here this evening to discuss the alternatives that we provided to try and work with the Board to come up with something that is satisfactory to everyone.

Mr. Watkins questioned the Board on how they feel about the cluster subdivision presented by Mr. Marshall.

Mr. Patella stated in this particular circumstance I am still in favor of the conventional. The way I see it, Lots 7 and 8 are kind of giving that open space in the westerly part of those lots. While I have an appreciation for conservation easements, this particular one does not, in my opinion, speak to a significant benefit to conservation purposes. If I could note Mr. Barnhart's email stating he is also for the conventional subdivision.

Mr. Widmark stated he prefers the straight drive through as opposed to a cul-de-sac. In the long-term in maintaining the road and plowing the road is a lot easier straight then to push the snow in a circle. With the cul-de-sac, you do have conservation area as opposed to none with a straight through. That 75 ft. strip up behind the houses is not a conservation land, it is more of a buffer, which the home owners may like but you have a small group of houses. I also believe you will not get a lot of cut through traffic.

Mr. Szarowski stated I am in favor of the drive through too, but the other one does meet the requirements of the conservation easement law. Mr. Watkins questioned which one Mr. Szarowski prefers. Mr. Szarowski stated he prefers the conventional even though the conservation easement for the cluster subdivision is within the law.

Mrs. Turner stated she has always liked the cul-de-sac. Having raised children on a cul-de-sac road created a sense of community where their kids would play just 10 houses away in a neighborhood. This is hard to develop in our town so it will offer a different type of community