



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, 6th day of February 2024.

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

Also present: Bonnie Franson, AICP CEP, PP of Nelson, Pope Voorhis; Alex Danon, Town Councilman; Joe LoCicero, Town Councilman, Rich Blazeski, Town Highway Superintendent, John Calaca, Building Inspector. 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 January 2, 2024

A first motion was made by Rich Barnhart and seconded by Todd Widmark to approve the Meeting Minutes of January 2, 2024. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0.

PUBLIC HEARING:

CONTINUATION OF PUBLIC HEARING:

APPEARANCES:

Mr. Joseph Russek - Third Generation Homes (Applicant No. 2023-14):

SBL: 104.1-3-27, 2.3 acres, Address: Corner of Weed Road and NYS Route 52 in Walker Valley, Commercial Site Plan 4,800 sq. ft. with three businesses and two residential bungalows. Property Class: Vacant, SB (Small Business), Pine Bush School District, Walker Valley Fire Company

Entered into record: Updated Proposed project drawing/sketch of buildings and materials, and 8 x 11 map dated January 16, 2024. Memorandum dated February 5, 2024 by Ms. Bonnie Branson, AICP CEP, PP of Nelson Pope & Voorhis. Memorandum dated February 5, 2024 from Rich Hoyt, Esq.

Mr. Russek was accompanied with his partners: Mr. Steve Green, Land Surveyor and Joaquin Rodriquez, Business Partner

Ms. Franson stated I will read through my comments and the other set from Mr. Hoyt, Esq. mirrors my information. Mr. Russek can ask questions as we go through the comments.

Discussion on Special Use Permits for Restaurant and Residential Use:

Ms. Franson stated the first section we update the description of what you are doing. It looks like you went from a 4,200 sq. ft. commercial building footprint and you have proposed apartments. The apartments appear to have an 800 sq. ft. footprint. Your thoughts may have been that you could not go over 5,000 sq. ft. total. It is 5,000 sq. ft. for a commercial building and the town houses are a separate use. You can still have a 5,000 sq. ft. building and the multi-family town houses do not have to live in that 5,000 sq. ft. footprint. That is a separate use. This maybe helpful because those units were very narrow and that is what you were looking to achieve. Mr. Russek thought that was part of the total.

Mr. Watkins stated he disagrees that it can be over 5,000 sq. ft. Ms. Franson stated it is something we need to look into. Mr. Watkins understands it needs to be looked into but does not agree it can be over 5,000 sq. ft. without going to a different level. Ms. Franson stated there is a Special Use Permit for some of things that have to be done. Mr. Watkins stated there is a lot more stuff that has to be done. Mr. Russek's stated we have just under 5,000 sq. ft. for both and filled out the application for a special use permit because we were unsure at the time what was needed. If this all worked out in one piece and kept it the way it was, then we are, to Mark's point, still 5,000 sq. ft., there is still more. Ms. Franson stated you still have to make an appearance before the ZBA for other matters so they can take a look and determine whether you need one for that as well.

Dwelling / Water and Sewer / Density:

Dwelling multiple-family uses are allowed by special use permit. It is three or more residences. When you land on whatever it is you want to do, you have to submit a special use permit application. Mr. Russek stated we did when we first started. Ms. Franson stated when you submitted the special use application for just commercial, you have to make sure it is updated to reflect you are asking for multi-family or if you are going back to the bungalow concept. Whatever it is, you have to fill that out. Mr. Russek agreed. Ms. Franson stated if you go into that multiple dwelling section, there are different requirements that apply and there is a size per different types of apartments depending on the number of bedrooms. Ms. Franson stated to take a look at that and see if you fit into those requirements. It is suggesting you might need to go larger with them.

Ms. Franson stated minimum lot area is where we get into this issue of a variance because you are in an area that is not supplied with central water and central sewer. The density requirements are you get fewer units per acre, and as a result that is triggering a variance because of the density. The zoning had been updated for multi-family because it had an issue, but it really took care of things where there is central water and central sewer so it did not help you because of the requirements for the larger lot sizes. This information is found under Section 3 – Dwellings in Ms. Franson's documented comments. Ms. Franson stated when you get to look at the multiple dwelling make sure you look at 177-29F, which regulates their design.

Mr. Russek stated a couple of years ago we proposed a strip mall project and the commercial, seemingly, allowed to work but the density came back to the apartments. Ms. Franson stated yes and it is the same issue. Mr. Russek stated okay. Ms. Franson stated part of that issue was addressed again and part of that is the variance. This is a determination by the Building Inspector and if you need to go, you go to the Zoning Board of Appeals.

Restaurants and Residentials:

Ms. Franson stated you did change your application in the event that you reconsidered that and put a few comments under Section 4 for further details. Section 5 talks about net acreage. You need to make sure that you take a look at that and exclude certain types of land and make sure if you need to exclude, if the water course is on your property, to take a look and see if there is anything that needs to be netted out. An important question is the way the information was presented on the plan and with the floor plans, it almost suggested there are three restaurants or three businesses. Is it three or is just there are different aspects of the same restaurant? Mr. Russek stated the intension was to be two restaurant basis and a brewery under its own entity

that supplies beer to other business. Brewing beer would be done in the basement and the lines would run to the upstairs. The logistics of the operation made sense to break it up in to two different businesses. Ms. Franson stated to take a look at my comments under Section 5 because it refers back to the density and the way the law is written right now, it states the permissible density based upon the net acreage shall be one dwelling unit per minimum lot size or one commercial, retail or service use per minimum lot size, etc. If you have multiple use business, it may be that you need to meet the minimum lot size per each business use. Take a look at what you are presenting to try and minimize those variances if you think you can. Think about it in terms of how you are presenting what you are proposing and whether they are actually separate businesses or kind of related into one business.

Dwellings and Future Subdivision:

Ms. Franson stated another section has to do with dwellings, future subdivisions, and showing that if you had to, you are not allowed more than one principal dwelling on a lot. I do not know if this applies because this is multi-family and is more questions and determination for the Building Inspector.

Mr. Watkins stated you have 2.4 acres, water coming down the whole side and across the back. Now you only have 2-acres to work with. Where is the apartment? How big of a septic can we put on it? How much land will that take off of it? Ms. Franson stated and that is the net calculation we discussed.

Mr. Szarowski stated as a brewery you have a really high yeast load which makes your septic system need to be larger. Your VOD would go through the roof. Mr. Green stated we do not process that way. The work comes from down south and just assembled at this location. It is processed down in South Carolina and they bring it up to be assembled at our location. Mrs. Turner asked how is it assembled? Mr. Szarowski discussed the wash down and to check the use load into the septic. Especially pre-treatment going to the septic. Mrs. Turner questioned what is the process? Mr. Green stated the process is you normally do your own work or mash and then you mill it. In this case, the work, which is the worst part of the brew, is created somewhere else and we purchase it and use it in our kettles. It is distilled and fermented. Mr. Barnhart questioned it is done someplace else and then brought in as product? Mr. Green stated all we are bringing in is the liquid and using it to process. Mr. Patella questioned the brewery is for the intention of brewing; you are not going to have a brew pub or brew house where people will be downstairs? Mr. Green stated no and there are 3 mash baths, two 5 ml and one 10 ml.

Bulk Requirements:

Ms. Franson stated we got into discussing the bulk requirements because that will really decide whether you need variances or not. The rest of my comments have to do with visiting DOT, you have to talk to the Town Highway Superintendent because the driveway will be off of Weed. The site plan is preliminary so those comments will really apply when you get to a place where you settled on the uses. We know things about the parking and maybe some alterations. How did you demarcate the parking spaces? Whether those stack wood is going to be effective if that is what you are showing? We get into the details themselves that you will need to consider but I do not want to get into those details. First, I think you need to sort out your variances if you need them. The zoning states permitted principal uses shall be those located in existing structures and new structures for no more than 5,000 sq. ft. footprint. A commercial use would have to be no more than 5,000 sq. ft. footprint. If you have apartments above the ground floor businesses, it cannot be more than a 5,000 sq. ft. footprint. Under special uses is where, separate apart from that 5,000 requirement, is multi-family and you can have a footprint greater than 5,000 sq. ft. but you need a special use permit.

Mr. Watkins stated what you have done is taken it a step further and you helped Mr. Russek to see the benefit of the special use permit and what you have done is given him an outline to help his project move forward. Ms. Franson stated it is framework of which direction you want to go. You can go back to a single-family.

Building Department:

Ultimately, you should talk to the Building Inspector and find out what variances you need because given the fact you are putting in a residential there, they need variances. The way the zoning is written, it is more than the site can accommodate. This is the density part; in figuring that out. Mr. Watkins questioned Mr. Russek stating do you have everything in Ms. Franson's outline, so that once you figure everything out in what you are doing, you can look through her outline and figure out everything from there? With it being a tough lot, you need to figure out the septic and how that is going to work because it is going to determine a lot of stuff for you. Mr. Russek stated he had opened up those conversations with the engineer for the septic and with all these things we are talking about and having multiple residences plus multiple potential commercial business. The same as for the DOT, Highway, and everybody else that we already have had conversations, just red flag or what everybody sees as like before it is actually officially submitted; just to start the processes. Ms. Franson stated from a practical perspective, the path that is more difficult is when you add the residential. Is it something that you can do, just focus on your commercial for now to get it up and running and sometime in the future, once that is done, you can reconsider and come back for an application because either way there are variances. Does it help? Mr. Russek stated it is the cost of the project and what it really comes down to is financial side of it and is it feasible.

Zoning and Variance:

Mr. Barnhart questioned when we implemented the small business zone there is a vacant piece of property that has gone nowhere and sits up there with nothing on it, we have an applicant that finally wants to do a commercial venue that will generate not only jobs but tax revenue? Did we incorporate into that small business plan any kind of incentive that would help out and if not, why did we not? Ms. Franson stated I do not know if there were so many changes to the SB zone. What we did, if you recall, we pushed it further down and we made it a bigger zone. A lot of the zoning focused on the Walker Valley business corridor for the zoning. We focused on that new Hamlet Gateway area. I do not know if we took a real look so much at the SB zone and maybe that is something that the Town Board and Zoning Committee would want to do. Mr. Watkins stated I believe the Town has a small business revolving loan, and the Wallkill Valley zone, we did not change any of the stuff, we just made it larger. The new ones, the one down by, SB Zones and the coming in from Pine Bush we rewrote those to be business friendly. Mr. Russek stated to make sure I know where I'm going next, this is for the Building Inspector to figure out and determine which variances would be needed for the way that we proposed it right now. The Building Inspector to determine which zoning variances we need to get help. Ms. Franson stated the Building Inspector needs to make a determination in what variances are required. I would say just look at the details in terms of other comments about the layout only because if you are going to move things around, I want to make sure you are capturing all the variances you need now. I do not know if you are going to make adjustments to the site plan, etc. but you want to get yourself in situation where you were there, you did your variances, you rearrange your site, so there are no more variances. Mr. Russek stated the last proposal was a lot for the site plan. Ms. Franson stated much more details. There are things like, the standards right now in the parking section states a parking space should be 200 sq. ft. and would be a 10 x 20. Current showing is 9 x 18. If you are going to stay with 9 x 18 you will need a variance. That is what I mean; I think you have an overage of parking spaces. Lay it out again to meet the standards or it will be another variance. You do not want to ignore those but first you want to land on exactly what you need to do.

Mr. Watkins stated you should look at the Zoning and figure out what you are doing and see how what you are doing fits into zoning and then you will have some sort of an idea and then take it to John to find out what those variances are for that and then you have to go to the ZBA. You also have to decide if you are going to go for Special Use Permit too and if that is feasible too. Once those decisions are made and you have some sort of a plan, then you can really move forward with your project. Right now, I still think some of it is conceptual. Mr. Russek stated no, what I have is the plan.

Sprinkler System:

Mrs. Turner stated if multi-family is part of your plan, I do not know if you have gotten this far, but Building Code review, multi-family requires a sprinkler system and that might have a site impact because there is no municipal water at the site. Mr. Watkins stated that is up to the Building Inspector to determine that and I know that you are probably correct, but it is up to the Building Department. Mr. Patella stated you might want to look into this for the restaurant as well based on the occupancy. Ms. Franson stated the Buddhist facility located off of 52, Oregon Trail, they needed a hydrant extinguisher for their sprinkler system. Mr. Watkins stated for the big building on top of the hill they had to put in a sprinkler system. Ms. Franson stated they had to put in an internal storage system. It may not mean you cannot do it. It may mean that you need more infrastructure that you should consider. Mr. Watkins stated when he did the work for the other Buddhist, they had to put in a huge tank that took up the whole basement for the one dormitory. The secondary tank was a recovery tank for the water to dump into that.

Mr. Abe Berkovic – Benji Holding: 57 Bert McCord Road, Pine Bush, NY, Lot 25

SBL: 99.3-6-13.300. Acres: 1.5, Property Class: Residential, RAG-2, School District: Pine Bush, Fire District: Shawangunk Valley Fire. Driveway relocation request.

Mr. Watkins stated this is the third time this has come to us and Mr. Berkovic wants to flip the building. Mr. Smithem stated correct. It is Lot #25, and is an acre and a half (1.5) in size. This location right here (applicant pointing to the map), is the previously approved location based on the subdivision approval that the owner would like to mirror the lot so that the driveway is located on this side. Inadvertently, when these curbs were put in, there was no curb cut for this lot. Currently, there is not any curb cut on this lot. The owner is hoping to install the driveway up here to support the cost savings install and partially has it installed with the garage on the right.

House Under Construction:

Mr. Watkins stated what you are telling me is he already built the house with the garage on the other side. Mr. Smithem stated that the house is currently under construction and the garage is on the right side. That is correct. Mr. Watkins stated and he had already been told twice that he cannot not move the driveway. Mr. Smithem stated he was not aware of that. Mr. Watkins stated the board made that decision twice. Mr. Blazeski, Highway Superintendent, stated the decision was made by both, the Planning Board and Highway Superintendent. Mr. Smithem stated he understood. Here we are again, to ask for the driveway for the driveway to be relocated.

Driveway Location and Well:

Mr. Barnhart questioned why he cannot live with the driveway where it is? Mr. Smithem stated because the driveway will have to cut across in front of the lot. It is a better way out, in his opinion for the driveway to be located on the easterly side of the dwelling and would not have to cut across the front of the lot. Mr. Watkins stated what he had determined earlier, by him moving the driveway to where it is, as soon as he makes a left hand turn out of that driveway the lights go right into the other house and there was not a tree buffer. That is why when we did the subdivision, all of the driveways are off set so you do not have lights going into the other houses. The past Highway Superintendents have given this board leeway to plant street trees, not so much in a line, but that we can cluster them in places where lights would not go into someone else's house. As a Board practice, we worked on that with this project and other projects to try and make it a better project. How does the Board feel about this?

Mr. Patella stated I see an approved well location and an existing well location and the approved well location based on this plan with the driveway in a different location within the spec. How close is that well to the proposed driveway? Mr. Smithem questioned the approved well location versus the driveway proposed location? Mr. Patella stated disregard the existing well. The approved well location, the distance between that and the right side of the driveway. Mr. Smithem stated it is approximately 30 ft. Mr. Patella questioned is the

plan to drill that new well? Mr. Smithem stated that is my understanding. That well will be drilled in the blueprint. I also have some photos from the proposed driveway location. There is some vegetation at the end of the driveway and additionally the house located on Lot #25 is a bi-level with living space on the second floor. Mr. Patella questioned the photo provided is from what you are proposing as a driveway? Mr. Smithem stated that is correct. That is an existing construction with a driveway. Mr. Watkins stated in other words, you already have it built. Mr. Patella stated you already have the base of the driveway already there. Mr. Smithem stated that is correct and done by the contractor for construction. Mr. Watkins stated if you take a look at the picture on the map submitted, they already moved the house. The house is moved within a reasonable amount of our location. Mr. Patella advised one of the concern's that Mark has is when pulling out of Lot #25; it disturbs the house across the street. Mr. Watkins stated that you are 5 ft. into the road and your lights are going right into the other house. Mr. Smithem stated that house is vertically higher where you are coming out of that driveway. It would be on the way down, as you are coming out. That house is a bi-level and the living space is on the second level. Mr. Widmark stated when he drives out, he initially turns to the left, so the headlights are going to go right into the house. My question is you got approved with the garage on the opposite side of the house along the driveway? Mr. Smithem stated correct. Mr. Widmark questioned why did he do the direct opposite? Mr. Smithem stated the applicant started the construction and previously mirrored houses before and did not think it was going to be an issue. Obviously, it has become an issue. We feel that it is a comparable location to the upper location and they are here looking for approval. Mr. Widmark stated after the fact. Mr. Smithem stated that is correct. Mr. Watkins stated after they were told twice not to. Mr. Widmark stated whether the house is higher or lower, when he exits the driveway, the headlights will shine right into the house.

Mr. Watkins stated Mr. Smithem is here for the applicant and he is also here trying to defend what the applicant did and doing all of this as part of his job. What do you say to somebody when the answer is "no" twice and makes a change anyway? That is a self-created hardship. Mr. Patella questioned is the driveway going to impact the well connection to the house? Mr. Smithem stated no; not from an engineering standpoint. Mr. Barnhart questioned if the applicant has offered to accommodate the neighbor across the street in any way shape or form? Mr. Smithem stated I am not aware of any conversation between them so I am not sure. The boards current biggest issue with the driveway location is the left turn. If the current location is not acceptable, would somewhere in between those two be more compatible? Mr. Watkins questioned why don't you leave it just where it is? Mrs. Turner stated because I think the garage is in the wrong spot. Mr. Watkins stated Mr. Berkovic self-put the garage on the other side of the house. They have to go across the front of the lawn. Could you imagine the creativity and the landscaping they could put in that front yard? Especially after Mr. Berkovic was told no.

Mr. Barnhart stated it is hard to feel sorry for them. Mr. Smithem stated I completely understand. Let's take out the fact that it has already been partially done. If the applicant comes in with an approved site plan with the notes that the driveway curb cut may not be relocated without Planning Board approval and says I would like to put my curb cut back here and we look at it in that perspective, it is approvable as long as it is not a detriment to anything else.

Wetlands:

Ms. Franson stated she is looking at Phase II and that lot had a wetland on it and that wetland is located by that driveway. There is a well and I'm looking at the limit of disturbance what we base our Stormwater Pollution Plan is on and this version of the map I am looking at specifically has the well and kind of goes up and encompasses the septic and the house and the driveway was not there because the wetlands was there. Mr. Smithem stated he is not seeing that on his map. Ms. Franson showed Mr. Smithem from her laptop so he could understand what she was referring to. Mr. Watkins stated all those lots had to have soil put on them. Mr. Smithem stated it is outside of bounds as he pointed to his map. Ms. Franson stated is that there or it is actually showing or has it been graded out over there. Mr. Smithem stated this driveway is out of grade and not a whole lot of grading associated with this driveway. All grading for this lot is going this way; because the lot falls in this

direction as he is pointing to the map. Ms. Franson questioned if they have clear cut the lot already and have done anything with the wetland that was already there? Mr. Smithem stated he did not believe so but can confirm. Ms. Franson stated this was a subdivision that had some walls, a couple of forested areas and in the midst of it with some easements and trees. It was more complex than it was and I think if we are going to make a decision, take into consideration what the original approval was and the why. Mr. Smithem stated he believes there are trees in between and not disturbed based on his observation today. Mr. Patella asked if that was the only photograph, he had. Mr. Smithem stated yes. Mr. Patella asked where is the garage door? Mr. Smithem stated on the side entry.

Final Discussions and Decisions:

Mr. Widmark stated they presented to the board numerous times. We sent the Highway Superintendent out there to check the driveway and decided to have it on the opposite side of the house. Was there a reason? This was not a mistake and was intentional. They are now coming to the board to ask for forgiveness. How can you give forgiveness when it is a hardship? It was clear and we had prints that it was approved. This is the opposite of what we asked for. It is hard for me to give forgiveness on this. If it was questioned after the fact and they came back to us and said listen, we would like to have the driveway on the opposite side of the house, can we do something?

Mr. Watkins stated they did not officially come to the board. I came to the Board and we discussed it and we said no leave it where it is because of the neighbor. When you come out and those lights go into that house; we said no, put it back where it was where the lights go into the woods and does not affect the other house at all where it was. Our board agreed to that twice and he did not take no for an answer and he did not because now he has actually built the house.

Mr. Patella stated Rich thought what if there was a buffer? The problem is if they planted a buffer across the street for the neighbor then it would be obstructing their view when they pull in and out; pulling out specifically. I do not see that necessarily correcting the problem. Mr. Smithem stated it could potentially be outside of where the site distance is impacted.

Mr. Blazeski questioned if you were going to do a planting here (pointing to a photo from Mr. Smithem) where would it be? Mr. Smithem stated potentially back at this tree line so by the time a car up, you would be past the tree line. Mr. Blazeski asked whose property is this? Mr. Smithem stated I believe that is partially in the right way. Mr. Blazeski stated you did what you wanted to do and now you want to go and ask these people to plant trees partially on their property to amend your mistake. Mr. Smithem stated considering this location is non-desirable, would something in between be more valuable support? Relocating it 10 ft. this way, the curb cut, so that it is not such a drastic swing from that original location and further out into the woods? Mr. Watkins questioned what is the distance between the two driveways? Mr. Smithem stated 80 ft. Mr. Barnhart questioned if the house was sold yet? Mr. Smithem stated he did not know. Mr. Barnhart questioned if the house was occupied? Mr. Smithem stated it is still under construction. Mr. Barnhart questioned why can't the garage be where it is supposed to be and the driveway where it is supposed to be? Mr. Smithem stated the garage is already installed and the grading is done on the lot. It would be very hard to flip. Mr. Barnhart questioned can he put the driveway where it is supposed to be? Mr. Smithem stated he absolutely could. Mr. Barnhart stated if it absolutely could then that is what he should be doing. Mr. Smithem stated he is coming today to ask for approval for it, if there is a specific reason on this location, that is not desirable to the board. Mr. Barnhart stated he is usually pretty sympathetic, but for this case, I am not. Knowingly, he did what he did. Mr. Smithem stated he understood.

Mr. Patella stated I do not see how an approval can take place for this. He is going to have to figure something out with the driveway in the original plan location.

Mr. Szarowski stated the Planning Board took a lot of time and effort to locate the driveway so they would not impact the neighbors and I have no sympathy because you specifically went against the Board requirements and ignored them. If the driveway is where it is and shining into the woods and there was no impact at all with the wetlands across the street or at least looks wet in the photograph, my decision is no.

Mrs. Turner stated it is an unfortunate mistake that your client has made because it sounds like they have gone steam rolling ahead with construction without fully understanding the impact of the decision they made. The location of the driveway they are proposing has an impact on the lands and not only the house across the street. This was filed in 2008, a long time ago, and I am trying to remember what the thinking was but like what everybody else has said, there was a lot of time and thought put into this. We are only seeing a snap shot and a narrative to support your argument. I understand it is difficult for your client to change the garage and they probably cannot change the garage location. They should have had all the information before they put that first shovel into the ground and made the choice that they made. I do not know how they are going to fix it because I think there was a lot of investment, time, and energy spent on that driveway location.

Mr. Smithem questioned is the driveway location substantially different then the driveway location on Lot #24 which pretty much lines up directly with the house? I think it is less of an impact then that location and that one was installed at the approval location. Mr. Watkins stated, take a look at your map, that driveway comes out and it sits alongside of the house and is not aimed at the house.

Ms. Franson stated the Planning Board did work very hard on putting in notes, and measures during the review process. The other note that is there involving that site states the federally regulated wetland which probably should have silt fencing around it and I do not know if they do. There is a stone foundation or a wall on Lots 24 and 25. If they are impacted by any proposed construction activity an archeological extensive test is required. They were supposed to avoid it and if they could not avoid it, they had to do more archeological investigation. It was also supposed to be surrounded by red or orange construction fencing during construction. If you were out in the site and did not see protection of the wetland and did not see orange construction fencing then there is a missing piece to the review process of when someone pulls a building permit, often time the engineer makes sure these things are checked out. Somehow, somewhere, you need to take care of those things and that is the other reason why the driveway is located where it was and ironically when Mr. Berkovic came back, he made some revisions to the layout and that specific layout on Lot 25 was changed. There actually was an alternative arrangement and so when he came back for a layout, he changed the layout and that was approved and what we see is actually a second iteration of what the Planning Board approved and that was revised because of the fill. You were being squeezed between two things: a wetland and a stone foundation that requires an archeological report and your fill systems which are one end. It was pretty well documented and why things had to go the way they went on that particular lot with everything going on. Just a reminder, we spend all this time on subdivisions and notes that leads up to the Planning Board on whether or not they want to allow the change.

A first motion was made by Todd Widmark seconded by Rich Barnhart to install the driveway the way it was originally approved plans. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0

Mr. Richard Magnanini – Magnanini Winery: 172 Strawridge Road, Wallkill, NY 12589
Presented by Robert Magnanini. SBL: 106.4-1-36. Acres: 32.5, Property Class: Vineyard, District: Wallkill Fire Department; School District: Wallkill

Entered into record: Special Use Permit and Site Plan Application dated February 5, 2024. Proposed project drawing/sketch of buildings for addition.