

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, 2nd day of April 2024.

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



Also Present: Ken Ronk, Town Supervisor; Dennis Arluck, Zoning Board Chairman; Kathy Ebbrell, Court Clerk; Rich Hoyt, Esq., Town Attorney; Bonnie Franson, AICP CEP, Town Planning Board Consultant. 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 March 5, 2024

A first motion was made by Rich Barnhart and seconded by Todd Widmark to approve the Meeting Minutes of March 5, 2024. Vote: All Ayes: 6, Abstain: 1, Absent: 0, Vacancy: 0

Introduction of New Board Member:

Mr. Watkins introduced new member to the Planning Board, Mr. Ryan Reid.

Mr. Reid stated he is honored to be a part of the Planning Board and had previously been with the Zoning Board for the last two years. Mr. Reid is looking forward to bringing some additional insight and make things smooth by providing more information to make quicker decisions in front of us and more transparency with the Town and that we all want to do as part of the Board. Thank you, Mr. Watkins, for the introduction.

CONTINUATION OF PUBLIC HEARING:

PUBLIC HEARING:

Michael Brander – Wildrick Road (Applicant No. 2022-10): (Privilege of the Floor)
SBL: (106.1-1-8.111) Proposed Three Lot Conservation Density Subdivision Preliminary Plan of 46.75+/-acres at 46 Wildrick Road in the R-AG4 District and Wallkill Central School District.

Mr. Watkins stated the following due to a mishap while the Planning Board was going through a staff transition. The Planning Board corrected a mistake that involved a 500' ft. radius mailing that was never mailed out regarding the property. Mr. Watkins followed up with the office and the paperwork for the radius mailing was in the folder for mailing back in February, but did not get done. However, the notice was in the newspaper and on the Town of Shawangunk website.

The Planning Board has sent out the mailing and arranged to have the public, if wanted to, could attend tonight's Planning Board meeting to give an opportunity or ask questions about the project.

Overview of Wildrick Road by Mr. Darren Doce:

The parcel is located at the end of Wildrick Road, proposing a 3-Lot conservation density subdivision. Lot sizes are 20 acres, 4 acres, and 22 acres. There will be an extension of Wildrick Road by 200 ft. with a 60 ft. radius turn around. Proposing 23 acres of a conservation easement to remain undisturbed. The Ulster County Department of Health provided approval for the wells and septs. A preconstruction notification from the Army Corps of Engineers was completed. There is 16.11 AC. +/- of a wetland. Federal wetland disturbance to be limited to 0.1 acres maximum. The DEC reported a Northern Harrier protected bird near the site and received, but will not require a "Take Permit" from the DEC. Received a no impact from SHPO. After Mr. Doce's comments, he offered to answer any questions from the public.

Public Questions, Comments, and Concerns:

Mr. Mark Westhausser -

There is a 20-acre lot, another 20-acre lot, and a 4-acre lot; are the two 20-acre lots subdividable? Mr. Doce stated no and there is a note on the plan that there will be no further subdivision on the property. Mr. Westhausser questioned when you do start construction, it is very wet all around the area; will that impact the other neighbors? I have seen in other areas where they start moving dirt around, the swamps become larger and sometimes they become lakes because of a mistake made or something was not factored in? Mr. Doce stated we are disturbing less than 5 acres of the wetlands and in the notice of intent to the DEC regarding the preconstruction, we had an erosion control plan by the Town Engineer and everything drains away from the road with no impact to any other neighbor.

Mr. Tim Conklin -

Mr. Tim Conklin referred to the map that was at the Planning Board meeting and questioned the following: There is one site that goes to Lot 3 and that is my site (pointing to the map - 40 Wildrick Road). If there is going to be any filling, driveways, drainage, etc., that is going to push the water and slow it down on my property to drain. I would like to know how the study was done? There is standing water there right now and almost up to the back of my house. Mark could not even walk through there and that was when it was dry. I am curious if you are filling for a driveway through there, and how the water is going to back-up the whole that is there. It drains on the surface and not under the ground because it is 100% clay. Mr. Doce stated the contours join to the west from your parcel and any drainage is not directed towards your parcel. We are only filling the cul-de-sac and no real filling of the road. Mr. Watkins questioned if there are drain pipes under the roads? Are there any drain pipes that go underneath the driveways so that the water can continue to drain? Mr. Doce stated for the driveways, yes. There is a swale along the southernly portion of the road that will bring the drainage around to the end of the cul-de-sac. Mr. Conklin stated all the water coming from the Wallkill River side, all the way down, you are now putting in driveways just like Wildrick and Albany Post Road is. The water pushes down there if you are going to put a driveway through there, and you going to put stone down or raise it up, how is the water going to naturally drain through clay because it is going to be running on the surface? Mr. Doce stated there are two proposed 18" culverts that are going to be placed that is at the road, the water floods over and onto the road. Mr. Watkins questioned

Mr. Conklin stating your concern is the water is going to back-up on your property? Mr. Conklin stated it is all clay and you know this from walking the site and I guarantee you would not even walk through my yard right now. Mr. Watkins stated what Mr. Doce is saying, they are putting pipes in so that it can flow naturally like it does now and go to the westerly part. Mr. Conklin is requesting copies of the information and talk to the DEC and Army Corps how this is going to happen naturally. I lived there for 25 years and we know how the land is. We know it does not drain and that is why the Health Department and everybody else and everything is above ground for a reason. You cannot dig down anywhere in there and I do not understand how, going to cross more wetland pouring water in that section through there is even attemptable. Even the other two lots going in the back you cannot walk back there because the water comes down in both directions. It is a natural way of the land and the way the water is. Where it bubbles out of the ground on my property, Lenny's property, and Greg's property the wells literally come right out of the ground because there is so much water. Mr. Watkins stated it is a wetland. Mr. Conklin stated we are making it more of a wetland. Mr. Watkins stated the Army Corps will tell you that you are allowed to disturb one tenth of an acre. Mr. Conklin stated his issue is who will be responsible if there is more damage to the wetlands? Mr. Watkins stated the Army Corps are responsible and will address it. Mr. Conklin stated there is a lot of wildlife back there and happy with the easement part. We have eagles and hawks flying around and live in that stretch of trees. We take pictures and watch them all the time. I am sure the easement will keep a lot of it safe. The big concern I have is the disturbance to the wetland and is my biggest issue. It states right there you are filling in part of the wetland and I know you cannot walk through there at all. To put two culverts in there when it is wetland and going from one end to the property to the other, how is that possible and not disturbing more than what you are saying? Mr. Watkins stated Army Corps will look at it, and if they are in violation of their permit, it will have to be addressed. They have a permit to go across that section of the driveway. The Engineers, Town Engineer, and the Army Corps are looking at it also. It is not an ideal situation, but the Army Corps is issuing a permit so they can move forward. Mr. Conklin stated due the failure of the Town and Board, if we knew upon the application, we would of have this discussion before a lot of this work was done and much simpler. I have an issue now because I lived there for 25 years and other people have lived there their entire life and should have been notified. How things were done due to a failure of communication. Even if someone stopped by the house to advise of the subdivision, I would have said great and what will be done? I would call the neighbors and let them know too. Mr. Watkins stated, Mr. Conklin I want to say thank you because when I came to your house, I realized the mailing was not done. When I found the mailing was not done, the board took responsibility of everything that happened, we took it upon ourselves to do the mailing and opened up the floor for anybody to come in and talk tonight in two different spots shown on the agenda. Anything that anybody says tonight, will be taken and reviewed before any decisions are finalized. We are here to correct the mistake and except full responsibility. Again, we were changing staff members and thanks to you, we are addressing it. There are no back door deals. It was in the paper and on-line and you knew there was activity. It was our fault of the mailing but we are open to anything that anyone has to say.

Mr. Lenny Semeraro -

Mr. Semeraro stated he owns 32 acres and questioned if there was/is an easement to his property from the cul-de-sac where the O'Donnell's live? Mr. Semeraro pointed to the map showing the board where his property is located on the map (47 Wildrick Road). Mr. Doce stated there was a previous subdivision, Map#-7450, that shows an easement cross the O'Donnell and Brander property. It would bring you to the proposed cul-de-sac. Mr. Semeraro

questioned where would his easement begin and end? It runs across the entire O'Donnell parcel. Mr. Watkins questioned Mr. Doce if he would show Mr. Semeraro right on his map. Mr. Doce and Mr. Semeraro approached the easel where the map was displayed to review the easement. After review, Mr. Semeraro questioned the Board if the map will be noted that he has the easement to go through to his property? Mr. Hoyt stated that the best we can do is show what was on the prior map. Everything that was done for Brander is east of you. None of this subdivision comes to you. Mr. Semeraro questioned if he wanted to use that easement to build on his property one day, I can use the easement? Mr. Hoyt stated you bought it from Misha, he got a variance to build one home on that land/lot and I do not think there is a house there. Mr. Semeraro stated no. Mr. Hoyt stated in 2009, Misha got a variance to put one house but you still do not have road frontage. Mr. Semeraro stated he will deal with that in the future as long as he knows he has an easement. Mr. Hoyt stated it is on Mr. Doce's map. Ms. Franson questioned if the cul-de-sac has a curb? Mr. Doce stated no.

Mrs. Jill Mendoza -

Mrs. Mendoza asked if the three lots means there will be three houses? Mr. Dolce stated yes. Is the cul-de-sac a bulb or is it just straight because I am trying see where the turnaround is? Mr. Doce showed Mrs. Mendoza on the map to explain how the cul-de-sac is being done, location of the turnaround, where the houses are being built, and location of the driveways. Mr. Doce explained there are two owners and showed their lot locations where they will be building their houses out of the three lots on the map.

Mr. Angel Mendoza -

If this project goes through and there is a building phase with trucks and machines, what is going to be done for the rest of Wildrick Road? I know it is going to be extended to support the infrastructure, but what about the rest of Wildrick Road and the construction since it is a narrow road? Mr. Doce stated there is going to be a construction entrance to keep the soil from getting on the road but there is no proposed improvement from the Town. Mr. Watkins stated it is up to the Town Highway Superintendent and he is aware because he has to work on part of that road. The Town and the Highway Superintendent are doing the best they can to work on that road. The way finances are and how much it cost to build a road; they will do the necessary improvements.

APPEARANCES:

Mr. Peter Cirillo Architects, P.C. – Dharma Drum Buddhist Association Retreat Center – Building Addition (Applicant No. 2024-02)

SBL: 98.4-3-8.120, Acres: 87.1, Address: 184 Quannacut Road, Pine Bush, NY 12566
Property Class: Religious, R-AG2, Subsection 177-6E, Pine Bush School District, Walker Valley Fire Company. Removal of portion of existing building to construct a 2,224 square foot addition to be used as a meditation hall.

Entered into Record:

- Letter Dated March 13, 2024 from Mr. Peter Cirillo, P.C., regarding Addition Review for Dharma Drum and Map.
- Memo Dated April 1, 2024 regarding feedback to Dharma Drum Site Plan from Nelson Pope Voorhis, Ms. Bonnie Franson, AICP CEP, Danielle Dreyer, Planning Analyst.

Mr. Cirillo stated he addressed all of Ms. Franson's comments of the first letter and submitted a revised drawing and letter answering those questions. Mr. Ryan Reid stated he did a site visit on March 26 and noticed that the change proposed is replacing the old building currently and things that they are proposing is only going to be seen on the property itself. Ms. Franson stated the applicant response to my landscaping comment, they did not believe the additional landscaping is necessary and is this okay with the Planning Board? Otherwise, all comments have been addressed. Mr. Reid stated I do not believe the landscaping is necessary or that it is required or affect a neighboring property. Mr. Watkins stated he liked the stairs being enclosed and improved by the engineer from what was there. I would like a note on the map stating there will be no living space in the basement. Where it says this is storage, it should also state this is not living space. Mark stated there is no egress for living space, but they can use it for storage.

A first motion was made by Rich Barnhart and seconded by Todd Widmark to approve the site plan for Dharma Drum addition with subject to adding a note "no living space in basement and only can be used for storage. Vote: All Ayes: 6, Abstain: 1, Absent: 0, Vacancy: 0

Previously, this was deemed to be a Type II - Exempt - SEQRA action.

Mr. Reid requested to enter into record he reviewed the proposed and accepted minutes from the last meeting in order to make an approval, based on the minutes, and to provide an update regarding the application.

E&L Garvey – Two Lot Subdivision (Applicant No. 2024-04)

SBL: 105.1-1-26.122, 152.64 acres, Address: 3014 State Route 52, Pine Bush, NY 12566. Lot Line Adjustment to create two parcels, approximately 102.5 acres and 50 acres. Property Class: Rural Residential, Pine Bush School and Pine Bush Fire District.

Entered into Record:

- Letter Dated March 6, 2024 from Margaret Hillriegel, Licensed Land Surveyor regarding 2-Lot Subdivision.
- Memo Dated April 1, 2024 regarding feedback to E&L Farms Subdivision from Nelson Pope Voorhis, Ms. Bonnie Franson, AICP CEP, Danielle Dreyer, Planning Analyst.

Overview of E&L Garvey – Two Lot Subdivision by Mrs. Margaret Hillriegel, Land Surveyor:

E&L Farms consist of approximately of 152 acres at 3014, Route 52 in the Town of Shawangunk. We are proposing a 2-Lot Subdivision to create 102 acres and the remaining 50 acres will include Ed and Linda Garvey's existing home, barn, garage, and existing house trailers that has been there since the 1970's or at least a trailer that has been there. We are not proposing any new improvements. There is an existing house trailer that was also Ag use on the proposed 102 acres piece and that would be the one and only dwelling. That could change in the future but is not proposed at this time. Both house trailers have their own well and septic that is within the property as is Ed and Lynn's house.

Mr. Hoyt questioned when was the first trailer put in? Mrs. Hillriegel stated we believe it was in the 60's and pre-dates the other one and has been replaced but has been a house trailer ever since the 60's. Ms. Franson questioned if that was Lot 1 or 2. Mrs. Hillriegel stated Lot 1. Lot 2 also has a house trailer and that one originally was put in during the 70's. Mr. Watkins

questioned when did the barn lot become a house? Mrs. Hillriegel stated there was a time when the house trailer was on the lot by itself and why it cannot remain on the lot by itself. Mr. Watkins stated trailers are not allowed in the Town of Shawangunk. It is pre-existing and really not supposed to replace trailers. If the trailer goes bad, you are to replace it with a house. Mr. Watkins questioned the flag lot not to have any further subdivision. Mrs. Hillriegel asked if it can be waived unless a Town Road is constructed. I do not think it will ever be feasible to build a Town Road to go past Luke's lot and the solar farm but someone may want to put a Town Road in there some day. I would like to add a note not to subdivided unless a Town Road was constructed. Mr. Watkins stated the law states you are not supposed to subdivide a flag lot. Should it now go to the ZBA to be waive? Once you do this, it is under the flag lot regulations and you won't be able to do it. We cannot say this flag lot can be subdivided and the Planning Board cannot alter the law. We cannot say if you put a road in later, it can be done because the Town Law states it is a flag lot. We cannot do this but the ZBA can. Ms. Franson stated it is what it is for now and then you subdivide it and put the Town Road in, it goes away and no longer a flag lot if you ever decide to build. The first part becomes a road. Mrs. Hillriegel stated she prefers not to see a note put on there "no further subdivision." Mrs. Hillriegel stated Ms. Franson's note, 9a states "Any approved plat containing flag lots **may** contain a note stating that no further subdivision of the flag lots shall be permitted." Is that how the zoning is written? It states **may**, it does not say must. Can we add a note saying no further subdivision on a flag lot unless a Town Road is constructed? Mr. Reid questioned is it even necessary that note is put in? We are not approving any subdivision or any future subdivision or we are not eliminating anything. I do not think it is required for a flag lot to put no further subdivision. It is 100 acres and it would be unfair if someone wanted to subdivide. Mr. Watkins stated he wants to make sure there are no problems in the future because of the flag lot regulations not allowing subdivisions. Mr. Hoyt stated "the board **may** oppose that" and a two- or three-acres flag lot you probably would, but **may** means you do not have to. I would agree it is based on a future plan with no guarantees that it would go anywhere where it could be approved. I do not know that you would want to say no further subdivision on a 100-acre parcel. Five acres, maybe. Mr. Watkins agreed but feels that they do not need trouble down the road to subdivide their property or decide to use it for something else. Mrs. Hillriegel stated she is asking the board not to put a note on it. It states it **may** contain a note and I am saying leave the note off. Mr. Watkins questioned so this is not a flag lot. Mr. Reid stated it is a flag lot but I do not think the language is requiring us, due to as it **may** have restricted language in that. Mr. Watkins asked the Board if they were okay with that. All ayes.

Mr. Szarowski questioned what was the hit on the archeological? Mrs. Hillriegel stated I am not sure what the hit is. Mr. Szarowski asked if you are proposing anything? Mrs. Hillriegel stated we are not proposing anything. Mrs. Hillriegel thought maybe the old barn used to be a carriage house but that has been there. Ms. Franson questioned the hit archeological? It may be something Native American somewhere in the area.

Ms. Franson stated this is a minor subdivision that requires a public hearing. A GML referral to the Ulster County Planning Department is not required.

Motion was made to waive a cluster subdivision by Ryan Reid and 2nd by John Szarowski. Vote: All Ayes: 6, Abstain: 1, Absent: 0, Vacancy: 0

Motion was made to have a Public Hearing next month for a two-lot subdivision on May 7, 2024. First Motion Todd Widmark, Second John Szarowski. Vote: All Ayes: 6, Abstain: 1, Absent: 0, Vacancy: 0

Mr. Hoyt stated to show the pre-existing settings of violation front-yard setback. Mrs. Hillriegel stated yes, I will note it as pre-existing.

Ms. Franson questioned Mrs. Hillriegel if she understood her comments on Number 4, 5, and 6 regarding minimum lot area for each principal uses needs to be considered when determining the minimum lot area that is required; minimum lot area needs to be calculated; environmental constraints can be determined considering hydric soils, NWI mapped areas, and waterbodies; additional dwellings on a lot must satisfy Zoning Board of Appeals. Mrs. Hillriegel stated yes.

Mrs. Franson stated the access and easements, since you are subdividing, and while they may be in the same ownership now, the driveway loops from 52 over to Prospect, are easements needed? Mrs. Hillriegel stated they do not exist and it is not needed because they are two separate lots with separate access. If something changes, that will be the applicant's personal choice. Mr. Garvey stated the easement is there for the solar people to come and go and as well as for the Fire Department depending on where the fire is. Mrs. Hillriegel stated that she did note it has existing fire hydrants over in driveway spots; that has been noted. Mr. Hoyt questioned was there ever a driveway agreement for a prior subdivision off of a New Prospect. Mrs. Hillriegel stated yes. Mr. Hoyt questioned can you note the existence of that easement? Mrs. Hillriegel stated there is a note that easement is subject to the rights of tax map parcel located in the solar area of the map and it is also noted who has rights.

Mr. Reid questioned if the trailer was on the foundation? Mr. Garvey stated yes. Mr. Reid questioned if there was a Certificate of Occupancy ever issued? Mrs. Hillriegel stated yes. Mr. Reid questioned if the trailer was over 800 ft.? Mrs. Hillriegel stated yes. Mr. Reid questioned if you are able to make a notation on the map with flag road to be 12 ft.? Mrs. Hillriegel stated it is 50 ft. Mr. Reid questioned is it 12 ft. wide? Mrs. Hillriegel stated yes.

Mr. Reid stated for the solar, we should have the setbacks listed as there may be some setback requirements to the solar lease. Mrs. Hillriegel stated they are not affected. That was taken care of when we did the site plan for the solar and we are not within the solar area. Mr. Watkins questioned if the mesh on the fence was taken down: Mr. Garvey stated no. Mr. Reid questioned who is Lot 2 on the Northern Easterly side? You created boundary lines right near the solar easement area. Mrs. Hillriegel stated yes, but not in it. Mr. Hoyt stated a 50 ft. property line setback from the solar facility. Mr. Reid stated correct. Mr. Hoyt stated I do not know if you are showing 50 ft. Mrs. Hillriegel stated I did not realize that was a requirement. Mr. Hoyt questioned if there is a buffer on that side of the solar project? Mr. Watkins stated Mr. Garvey cut trees down on that side, replanted, cleaned it up, made a nice buffer, and it looks very good. Mr. Reid stated something should be notated for the areas that are by the new boundary line. Mr. Watkins stated where the solar line is now, the board already approved that. I do not see why we can continue that down the one edge. It is already there. If you look at the East in the corner, you see where it has already been approved for where it is. If that is 38 ft., why not continue it down 38 ft. on the other side? It is already pre-existing. Mr. Reid stated for the new boundary line, it should have an appropriate setback and known when the solar was approved. Mrs. Hillriegel stated what that will do is push the property line to the area where the

hydrant and pond is and we would not have access to the property going that way and is creating a hardship. Mr. Widmark stated I see a setback for a solar array where cars are driving up and down the road. This is going to be a new subdivision; if they keep it in their own family or they sell it, the buyer knows what he is buying. Mr. Reid questioned if we are the ones to say that it is okay they are doing a subdivision, we would be against the solar requirement and a question we should answer? Mr. Watkins stated we have to address that before the next meeting. That puts them into a stand pipe for the fire company if they get the 50 ft. Mrs. Hillriegel stated it looks like it is 15 ft. off the limits of the solar easement and a buffer in that right to the panels. It does look about 15ft. from the limits of the easement.

Ms. Franson stated while a lot is being created there is no new houses proposed so I do not know that a recreation fee is needed. Mr. Watkins stated it is a new lot, you have to have a recreation fee. Ms. Franson stated regarding the flag lots, we touched upon most of those but there is a provision that flag lots can only be used for the construction of the single family detached dwelling, but nothing is being constructed. Mrs. Hillriegel stated Lot 1 is the only flag lot and Lot 2 has plenty of road frontage. Ms. Franson stated if you are creating a flag lot, the language states by law are only to be used for the construction of single-family detached dwelling. You are not constructing anything but there are other reasons they are pre-existing and how we handle it. Mr. Hoyt stated Lot 1 does not have the usages except the house trailer. Ms. Franson stated it has agriculture and it has the mining. Mr. Reid stated the mining is pre-existing. Mr. Garvey stated it is going to be closed within a month or so and 90% closed last year. Mr. Reid stated the approval will have to wait until that is fully closed or subject to. Mr. Garvey stated he has a mining permit. Mr. Watkins stated it would be subject to and the maps cannot be signed until it was done. Mr. Reid stated the question is, it states constructed and not existing, right? Ms. Franson stated right and is this an issue later on down the road when you do want to use it and deal with it then? Right now, these are all pre-existing uses but they are creating a flag lot and the flag lots were to be zoned for construction on a single-family dwelling. It is all pre-existing and the way the language reads in the law, construction on a new single-family dwelling. It is raising to determine its potential of what is required. It may be something, I have to look at. Mr. Hoyt stated you cannot have two dwellings on one lot. Mr. Garvey stated it is still in the Ag and the guy who is taking care of it is still living there. Mr. Hoyt stated we are assuming the trailer site is the home site. If it was not there you would make them conceptually show a home site. Mr. Patella stated the trailer, in the future, would have to be removed if the plan was to put a new house there. Mr. Hoyt stated or a variance to allow two units on one lot, unlike Lot 2 that has a house trailer and an existing house. There are notes the trailer is before pre zoning. Mr. Watkins stated the trailer was put there for work force housing and if that is work force housing for the farm, then you would show a site where the farm house would go and that would still say work force housing because they are taking care of it anyway. Mr. Hoyt questioned if that has ever been known as work force housing? Mr. Watkins stated that is why it was put there in the first place. There has to be something in the minutes from Kris Pedersen because when we took a lot line out of Lot 2 that would have been two work force housing on that property and something in the minutes when that was changed so both of them were on the same piece of property. Mr. Patella questioned this new lot is creating a flag lot and only one resident can be on that flag lot? Mr. Watkins stated if it stays a farm and it is in Ag, then you can have workforce housing. Should that be labeled workforce housing and show a home site which they can do anywhere on the property? Mrs. Hillriegel stated Mr. Garvey can get a septic design. Mr. Watkins stated show where a house can go on the site and get a perk test. Ms. Franson stated in

the zoning R Ag-4, it allows an accessory use, farm labor housing. That is under a R Ag-4 and does not appear under a R Ag-2.

Mrs. Hillriegel stated if it is better for the board, we do not want to propose anything at this time but that would not be a terrible hardship.

Mr. Reid stated he understands the concern over the language for a flag lot. It is something we should look into if there is anything else in the code that refers to an existing dwelling.

Mrs. Hillriegel questioned if a septic design is required or leave it the way it is? Mr. Watkins stated a perk test should be done. Mr. Szarowski stated a septic and perk test are required and will need to dig 6' deep whole. Mr. Watkins stated we will continue with next month's public hearing and hope to some of these things addressed before next month's meeting. Mr. Garvey questioned who has to verify the perk and deep whole test? Mr. Watkins stated the engineer has to do it. Mr. Hoyt stated that Title companies do not like driveway crossovers in subdivisions, especially when they show up on the filed map. Something should be shown so that inadvertently, if someone buys Lot 1, they do not claim rights over Lot 2.

Revisit Michael Brander – Wildrick Road - Public Hearing:

Dave Haldeman stated neighbors have seen nesting of bald eagles close to where the houses are to be built and unsure if that had been considered into the application and plans to take pictures for awareness. Mr. Watkins stated when he was there, he was informed of the bald eagle but it was a harrier. When I was looking at the conservation easement monuments, I did not see a nest in the pine tree when present. I am not saying it is not there but I did not see it, but it is not a bald eagle, it is a harrier. Ms. Franson stated harrier's nest on the ground. Mr. Watkins stated I did not see an eagle's nest. Mr. Doce stated the harrier showed up on the EAF mapper so they consulted with the DEC on the harrier and a no take permit was needed.

Mr. Hoyt questioned Mr. Doce that he is comfortable the water goes west and not to Mr. Conklin's property? Ms. Franson stated it slopes in that direction. Mr. Watkins stated not only does it slope in that direction, but Mr. Conklin put in a pond years ago, and they have 4" pipes draining off of that pond going into that area. There is 4" plastic PVC pipe that goes in right through that area. When I was out there, it was wet. I had to walk over by his pond and over his field a little bit and when I go out further, it was okay. The whole area is wet. When I came back, that was when Mr. Conklin asked me what I was doing and I showed him everything on the map and that is when I found out the mailing did not go out. We are going to close the public session tonight. Mr. Doce questioned where does that leave the application? Mr. Watkins stated he will talk to the board and then call Mr. Doce with an answer. I understand Mr. Conklin's concerns about the water backing up but you have culvert pipes going underneath that and right now, the land floods because the water has no place to go. You have done the engineering, the Army Corps has done the engineering, our engineering has looked at it, and everybody seems to think it is okay. It has been addressed but I want to talk to Shawn again and we will go from there. Mr. Doce questioned his extension in September and his 180 days is getting close to running out but when does the actual approval date run from? Should I be requesting an extension or do I have an approval? Mr. Watkins would like to clarify with the rest of the board members. If an extension is needed, I will tell you but I do not believe that is the case. Mr. Doce stated it will be needed because the road will not be done so I am questioning when can I request that extension? Mr. Hoyt stated the date of the vote instead of

the date of the resolution was done, which was a couple weeks later. One hundred and eighty days as of right and this board can grant unlimited 90-day extensions so you may be asking for more than one. Let us be clear this was voted and tonight was to give the public a chance to comment, and unless you heard something majorly earth shattering, I would not recommend that you revoke it. Mr. Watkins explained it very well and we cleaned up the error. This board voted an approval in December and I do not see that changing, unless you come back to me with a major issue. Mr. Watkins stated he wants to ask Shawn Arnott, Town Engineer, one more time and make sure he is good with it. Mr. Hoyt stated 90 days from May 5th, we can do another extension.

A motion to give a 90-day extension from May 5th. First motion Todd Widmark and 2nd, John Szarowski. Vote: All Ayes: 6, Abstain: 1, Absent: 0, Vacancy: 0

US Light Energy – Wallkill Solar Array:

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

Entered into Record:

- Letter Dated March 12, 2024 NY USLE Bruynswick Rd I LLC – Nine Attachments: Site Plans, Visibility Analysis, Wetland Delineation Report, Wildlife & Habitat Review, CESIR, FEAf (v3), Agricultural Soils Map, Geo Evaluation, and SWPPP from C.T. Male Associates, Mr. Chris Koenig, Project Manager.
- Memo Dated April 1, 2024 regarding feedback to U.S. Light Energy Solar Site Plan and Special Use Permit – Preliminary Review from Nelson Pope Voorhis, Ms. Bonnie Franson, AICP CEP, Danielle Dreyer, Planning Analyst.
- Letter Dated March 3, 2024 regarding feedback to U.S. Light Energy Solar Site Plan and Special Use Permit - Review of SWPPP by MHE, Shawn Arnott, P.E.
- Letter Dated April 2, 2024 regarding feedback to U.S. Light Energy Solar Site Plan and Special Use Permit - Review of Documentation by MHE, Shawn Arnott, P.E.

Mike Fingar, Chris Koenig, Ari Goldberg Introduction:

Mr. Fingar stated the last time he was in front of the board was last October of 2023. We are in front of the Planning Board to revisit our site plan. Originally, in our application we had a few variances we requested: 1.) lot coverage, 2.) potential tree clearing, 3.) vegetation buffer.

Last fall, we presented this to the Zoning Board, and I am not sure if this made it to the Planning Board. In our design, we designed out the lot coverage and vegetation buffer maintained around the entire property and tree clearing in our opinion, and again that is something we would like to discuss tonight that was also designed out. We will take a look at the diagrams tonight to show exactly what areas were examined and I want to clarify one time, we did provide a potential conservation easement to mitigate for some of those variances requested and has been removed from our plan. There are quite a few items in here that we can address and start with some of our updated metrics and get some updates and guidance from the board and how you would like us to address. I am prepared to speak through most of these tonight and comment.

Chris Koenig stated he would like to start with the three variances; first being the vegetation buffer, second the lot coverage where we did the net acreage calculation and netted out the linear wetlands and stream-bed as well as the coverage of the residence, driveways, and out