



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, 3rd day of December 2024.

Those present were: Sal Patella
Rich Barnhart
John Swarowski
Todd Widmark
Ryan Reid
Mark Watkins, Chairman

Those absent were: John Leonetti

Also Present: Rich Hoyt, Esq., Town Attorney; Bonnie Franson, AICP CEP, Town Planning Board Consultant, Rich Blazeski, Highway Superintendent. 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 6, 2024

A motion was made by Rich Barnhart and second by John Szarowski to approve the Meeting Minutes of November 6, 2024. Vote: All Ayes: 6, Abstain: 0, Absent: 1

PUBLIC HEARING:

Zachary Peters from Mercurio, Norton, Tarolli, & Marshall stated the following detail for Harrier Ridge Estates. The parcel is approximately 26.5 acres and it is a proposed residential subdivision with seven lots. These lots range in size from approximately two acres and the largest lot approximately seven acres. All the lots will each have a driveway, on-site wells, and septic systems.

The area of disturbance is over five acres, so we have prepared a SWPPP for the project and designed stormwater facilities. The soil is generally sandy, so we have some infiltration basins to take advantage of that, treating the runoff from the houses and driveways, but mainly for the runoff from the road here. There are two main basins: One located near the midpoint of the Cul-de-Sac on Malloy Road, and the other is located up in the corner of the property. All the runoffs from the tributary areas is going to go into the basins with the goal of treating it through infiltration into the ground. It is also going to mitigate and, based on the calculations, slightly reduce the runoff from the site, particularly in the area up on the corner.

Pretty much all the drainage that comes down and heads down Malloy Road now is going to be rerouted into this infiltration basin. I know the board had some, the Highway Department too had some concerns about the drainage farther down at the intersection, so I think with the inclusion of those basins, that will ultimately improve that.

Mr. Watkins stated with that basin, you are going to cut the bank down to help control the flow. Mr. Peters stated correct and right now, where the proposed access comes in, there is a good bank off the road with no real drainage in that area and that is going to be cut back to help the site distance looking down, carrying down through the road, and it is going to pick up that drainage around there (pointing to site plan on easel).

Mr. Watkins questioned if the other basin is going to drain before it goes down through? Mr. Peters stated the other basin is going to discharge this way (pointing to site plan map). It is in the low point where all the runoff currently goes. We cannot change where the runoff goes, instead, we try to situate them to take advantage of collecting as much water as we can from the site.

Mr. Peters stated there are two other smaller basins on lots five and seven, that only take runoff from a portion of those lots. They are basically going to be shaped up in existing depressions where the runoff goes.

Mr. Watkins stated there was a discussion with Mr. Shawn Arnott, Town Engineer, about the two inner basins and felt it could be designed into rain gardens rather than basins so it would not have to be maintained by the Town. Mr. Peters stated they will look into that.

A motion was made by Ryan Reid and second by Todd Widmark to suggest to the Town Board to accept the drainage district for this project. Vote: All Ayes: 6, Abstain: 0, Absent: 1

Town Board Petition:

Mr. Hoyt stated the applicant was asked to petition the Town Board, so the Town Board does not have to hold a referendum and get the district by petition. Mr. Hoyt stated the format is simple and standard. Mr. Peters stated he would like to reach out to Mr. Hoyt for further questions. Mr. Hoyt agreed.

Lead Agency:

Mr. Watkins stated we have applied for Lead Agency for this project, and it takes 30 days to hear back from time of mail out. The Board agreed at the October's meeting to send out Lead Agency NOI, but we did not receive the EAF until November 11th and sent out mailing on November 20th. We will have everything in place by our next Planning Board meeting.

Consultant Comments:

Mr. Peters stated in looking through the comments real quick from the consultants- it's substantial. Ms. Franson stated a lot of it is standard, and some of it can be done between preliminary and final when it comes to the subdivision plan. There are some follow-up SEQRA comments that we are still waiting to receive.

Site Visit:

Mr. Watkins stated we visited the site the day before Thanksgiving with Shawn Arnott, Town Engineer, Rich Blazeski, Highway Superintendent, and me. We did figure out where the road was and then we looked at the map and saw that you were cutting things down and moving things. Rich Blazeski, Highway Superintendent, is in agreement with the site the way it is now. Mr. Peters stated the changes will help improve sight drastically.

Mr. Barnhart questioned there is only one house in this project that is going to go out on DuBois. Mr. Peters stated that is lot seven and the driveway will be along an existing lane. Mr. Barnhart questioned the other six will be on the new road? Mr. Peters stated yes.

Mr. Blazeski, Highway Superintendent, stated we need to make sure that they can see Albany Post Road. Mr. Watkins stated they are going to take the bank down and put the catch basin there. Mr. Peters stated we are going to cut that whole bank back.

PUBLIC COMMENTS FOR HARRIER RIDGE

Underground Electric:

Mr. Jim Malloy addressed his concerns regarding underground electric. I anticipated the other development would have underground electric, instead, there are four poles across the road. How will the electric be done in the new development?

Mr. Watkins stated there are four poles coming across the road, then it goes down into the house. You would have liked it if it was just one pole, and then they ran it from one pole to the house underground on the other side. Mr. Malloy stated that is what I was expecting, but when the driveways were put in I saw the underground electric was not done underground.

Mr. Watkins stated I do not think that was on the map. Mr. Peters stated it has to get coordinated with the electric company to dictate most of that for a public road. It is really the electric company's decision. Mr. Watkins stated we would like to see one pole coming over because of the road. Mr. Peters stated we can work with that because of the new proposed road with six lots and the seventh lot on DuBois Road, there is electric connectivity in these two locations. No sense in connecting all the way through.

Ms. Franson stated the resolution, including MAKO Homes, has a condition that utilities within the street and right-of-way should be shown on the final subdivision plaque, and they will all be buried underground. Mr. Watkins stated he understands what they did and that it may have been a mistake of ours not to request that way, because then there would have been one for the old subdivision. Ms. Franson stated the MAKO Homes subdivision was supposed to be underground.

Mr. Watkins stated I also understand there could have been a misunderstanding. It is because they had to jump across the road. Rather than running one trunk line up the road, instead, for each individual lot, they ran a pole. Mr. Peters stated we can show something on the plan. We will have to figure out how they are going to tie it in. They will probably still need a pole to jump across, and then they can go underground.

Mr. Watkins stated this is different. You are going to run the electric along the road. It is going to go to both sides of the houses. Whereas the other one was individual lots. Mr. Malloy stated the other two cul-de-sacs is all underground and you do not see the wires anywhere.

Mr. Watkins stated the difference is the individual houses across the street, whereas here you have one line across the street, and then it goes underground along the road. The other one does not have a road there. Mr. Malloy questioned if it is going to be underground with the one pole. Mr. Watkins stated correct. You have to have the jumper across the road and then go from there.

Conservation Area:

Mr. Malloy questioned why you need a DeZmo conservation area and why it was not part of the two lots? Mr. Peters stated it is an existing conservation area easement. Mr. Watkins stated it is already existing. MAKO Homes used that conservation easement area to satisfy the DEC on the other subdivision project that was done on Mrs. Cock's lot. Mr. Malloy stated that it was not part of that property. Mr. Watkins stated they had an agreement with Mrs.

Cock's to encumber that land so it can be used to meet the 25 acres that the DEC required. Mr. Hoyt stated they only had approximately 21 acres on the MAKO Homes subdivision and had to get 4+ to be added.

Mr. Malloy questioned if it will be maintained and turned into farmland and cultivated? Mr. Peters stated this is an existing easement. There is an agreement with DEC and the reason it is shown is because it is an existing division that is on that lot. Mr. Watkins stated the DEC's easement is only for 25 years. Mr. Hoyt stated it does not have to be farmed, but it cannot be developed.

Location of Unused Vehicles:

Mr. Bob Mooney stated he is concerned with the property that has dead trucks and cars and if there was any concern? It is a flag lot that is about two acres off of DuBois Road right next to my property with 30 vehicles for years. Mr. Malloy stated it is 4.2 acres and pointed to it on the map. Mr. Peters stated he is not sure because it is not part of the lot or the project. Mr. Watkins stated it is a separate and does not recall the property during the site visit. Mr. Mooney stated it is hard to miss, and it borders my land and this project. Is there concern regarding all the material that is there? Mr. Watkins stated this should be reported to the Building Inspector. Mr. Malloy stated I thought it was abandoned. Taxes are being paid on it. Mr. Mooney stated that Mark Lousouska is the owner.

Mr. Mooney stated there are trucks, tractor trailer bodies, a ton of steel, and other kinds of material. Kids get in there and do all kinds of damage and have fun and dangerous, certainly for whoever's liable. Mr. Watkins stated I can report it to the Building Inspector and let him know what is there to check and see what can be done.

A motion was made by Todd Widmark and second by John Szarowski to extend the Public Hearing for Harrier Ridge Estates until Tuesday, January 7, 2025 at 7pm. Vote: All Ayes: 6, Abstain: 0, Absent: 1

CONTINUATION OF PUBLIC HEARING:

One Stop Shop:

Mr. Watkins stated One-Stop Shop is not going to be here this evening, but we are still in a Public Hearing and would like to open to the public for comment. No further comments were made from the public. Mr. Watkins stated the Applicant is aware the Ulster County Planning Board meeting is tomorrow night (Wednesday, December 4) and requested the Public Hearing be continued.

A motion was made by Todd Widmark and John Szarowski to extend the One Stop Shop Public Hearing to Tuesday, January 7, 2025 at 7pm. Vote: All Ayes: 6, Abstain: 0, Absent: 1

DISCUSSION:

ENAIID

Mr. Watkins stated ENAIID requested a 90-day extension and can be extended to our March 4th, 2025 Planning Board Meeting. The 90-Day extension is granted up to March 4, 2025.

A motion was made by Todd Widmark and John Szarowski to approve a 90-Day extension to March 4, 2025 for ENAIID Properties. Vote: All Ayes: 6, Abstain: 0, Absent: 1

Mr. Hoyt questioned if we received a letter from Mr. Lithco for the extension and the \$100 check? Mr. Watkins stated the \$100 was withdrawn from the Escrow Account. Mr. Szymzak himself requested the extension. The extension would be from December 23rd 2024 based on a phone conversation with Mr. Hoyt and Mr. Watkins.

APPEARANCES:

Richard Spoto, Lot Line Change

Mr. Peters stated this is a proposed lot line change for Richard Spoto off Sinsabaugh Road. There are two existing tax parcels totaling approximately 40 acres. There is an existing dwelling on one of the parcels, on Block and Lot 17.223. The lots are approximately 32 acres and approximately 8 acres, currently. Mr. Spoto is basically looking to transfer this rear portion of the property, which is approximately 20 acres, from this existing tax parcel over to this parcel. The final lot area is going to be approximately 12 acres and approximately 28 acres.

Mr. Watkins questioned if the land is transferred from the back half of this lot? Mr. Peters showed the lot line on the map and stated they are looking to split it so that it would follow this existing line and then cut back through to the corner. Mr. Watkins stated he is putting in that short line and eliminating the one that goes across by his home? Mr. Peters stated correct.

Mr. Peters stated there are wetlands at the front part by Sinsabaugh Road and it is a low point. It comes up to where the house is and then falls back. There is some usable area on the part being transferred, but most of it ends up being wetlands in the back. The access for this parcel on the right is actually through an existing easement that comes through the neighboring land that gives access to this. Mr. Watkins questioned if that was part of the Gled Hill subdivision? Mr. Peters believes that may have been the name but knows that this was part of a project. Mr. Watkins stated they made that a joint driveway.

Mr. Peters stated in terms of what is being proposed, it is basically a transfer of 20 acres of vacant land. None of the existing improvements are proposed to be changed. There is no additional development proposed as part of this application.

Violations:

Mr. Watkins stated the paperwork you received shows a number of violations that are on both pieces of property here. Mr. Peters stated he will pass this on to the applicant. Mr. Watkins stated we cannot make a final ruling on a property that has violations.

Mr. Peters questioned based on the comments is something that the applicant has worked out with Building Department and goes back to the Planning Board when resolved? Mr. Watkins stated, I believe a lot of it should be dealt with at the Building Department. Mr. Peters stated I do not see a reason to be back before this board until this is resolved because there is nothing the Planning Board can do at this time. Mr. Watkins agreed and stated I would like to help and try to resolve some of these things. Mr. Peters questioned if it would be beneficial to have a work session? Mr. Watkins stated the Building Inspector is going to take care of it. I do not think there is much for the Planning Board to do at this time. Mr. Peters stated that his assessment was also on a surface level.

Ms. Franson stated to make sure that the net lot area considers if there are multiple uses on a lot, you have to have a lot area for each of those, or part of the minimum. Ms. Franson stated you have a note on one of the lots that one of the buildings is a dwelling, and when we looked at it from a tax parcel perspective, it states it is vacant, and it is not a dwelling. This needs to

be researched to see what this is. Mr. Peters stated it sounds like that can be included in here.

Mr. Reid questioned do you plan on resurveying lot one? We made a note the last time it was based on a survey done. There are a few things that may show up on the lot where acreage is being removed.

Mr. Peters stated we will review this with the applicant, and I am sure there is additional work that is going to need to be done by somebody to address the comments. Mr. Peters then stated that if and when we come back before the board, the violations will be addressed beforehand.

Mr. Patella stated there is one lot that utilizes the common driveway on the property to the right? Mr. Patella stated that is correct. Mr. Patella questioned who is responsible for the tents and campers and whether they are being utilized? Mr. Peters stated I will have to look into that. Right now, I believe he owns both parcels with connected access that goes through. Mr. Patella stated if that changes and someone other than the property owner is utilizing those facilities, we are going to be accessing those facilities on another piece of property, which seems to be a concern. Mr. Peters stated we can look into that. The easement that is here is for access for this site.

Mr. Watkins stated the best way to answer that is the whole site needs to be looked at, and the Building Department is responsible for dealing with that. That is why I gave you all the consultant comments, but I want to make sure that you know it may not be limited to what you have. Mr. Peters understood and stated there may be more, there may not be more, but again, there have been a lot of issues there.

Mr. Peters stated we will work with the applicant to work with the Building Department regarding the violations, and then come back to the board and see where it goes.

DISCUSSION

There are a couple of applications that have come in. One is 30 acres to be subdivided off a piece of property and gifted to open space. And I have talked to Rich about it.

We are hoping we can do it with a lot line change. That is on the mountain, Upper Mountain Road. And that space is going to be part of the Chatham Ridge open space area.

So, but again, we need to talk to the people about it and look at that.

Loretta Miller on Brimstone Hill has a subdivision that was done in 2005 and some ideas they want to bring to the Board.

A motion was made by Sal Patella and second by John Szarowski to adjourn the meeting. Vote: All Ayes: 6, Abstain: 0, Absent: 1

Respectfully Submitted,



Julie C. Pawson, Secretary