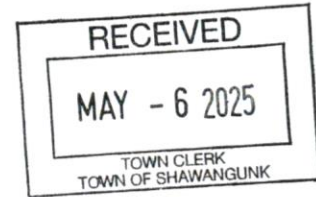


Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Shawangunk Town Hall, 14 Central Avenue, Wallkill, New York, on Tuesday, 1st day of April 2025.

Those present were: Rich Barnhart, Chairman
Todd Widmark
John Szarowski
Ryan Reid
John Leonette
Tom Tango
Sal Patella



Also Present: Rich Hoyt, Esq., Town Attorney; Bonnie Franson, AICP CEP, Town Planning Board Consultant, please see the 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 4, 2025

A motion was made by Ryan Reid and second by John Leonette to approve the Meeting Minutes of March 4, 2025. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Nicky D's Towing & Recovery

Nicholas DiBlanca- Special Use (Applicant No; 2025-17)

SBL: 100.1-1-2, 1.6Acres, Zoning District: R-Ag-2, Address: 2151 Brunswick Road, Wallkill N.Y., School District: Wallkill, Fire District: Shawangunk Valley Fire. Project: Proposed 24-hour towing and Automotive Repair Shop

Mr. Barnhart opened the Public Hearing and pointed out that the Applicant, Nicholas DiBlanca was not in attendance. He then asked if there was anybody in the audience who would like to speak regarding Mr. DiBlanca's proposed business.

Sandra Nencetti, a Town of Shawangunk resident, came forward with comments and questions. She first said that she lives at 2146 Brunswick Road, which is directly across the street from this establishment and found it important to attend the Public Hearing primarily as a homeowner, and the only homeowner within direct impact. She said that there is already an auto repair shop there. She was concerned about her rights concerning potential groundwater issues, waste products, and quality of life. Ms. Nencetti said that she has several jobs and is often disturbed at all hours of the evening by hydraulic equipment being run at 11, 12, 1, 2 in the morning. She also said she was concerned for neighbors who don't really feel that they have a voice because they are tenants of the individual who leases out that parcel. She also said she had lived there for 17 years knowing she would be disrupted by the fire house next door. However, the tenants in the other bays at 2151 Bruynswick Road have been very disruptive. Ms. Nencetti also reported that on one side of her property there is an event space that has been created with all kinds of buildings and a commercial kitchen, and that she had not gotten any notice of that. She said she is confused about how things are happening. She also does not understand the difference between what Mr. DiBlanca wants to do and what is already happening in the other bays, which is a bunch of people working on cars at random hours.

Mr. Barnhart said he could provide some clarification. He assured that Nicky D's is a business venture where Nicholas DiBlanca wants to run a business called Nicky D's Towing and Recovery and go through the proper channels and approvals to do so. The other, the neighbors in the other two bays, are leased by John Lease and they are not a business. As he understands, they are automobile enthusiasts, and they work on cars and store their vehicles there. Ms. Nencetti responded that they work on the cars, rev engines, do repairs and all kinds of stuff. Mr. Barnhart then said that he would suggest, and the board certainly can discuss it, reaching out to the building inspector. Ms. Nencetti said she already had done so and was told to attend the Planning Board meeting, and that she will go back to the Building Inspector when she has the opportunity. She then said that the reason she came tonight is because it specifically said in the notice that was mailed that Nicky D's Towing was going to be 24 hours and that concerned her. She said the notice just said 24-hour towing, slash recovery, slash minor auto repairs and she wasn't sure if all of that was going to fall under the 24-hour umbrella. Mr. Patella said that the 24-hour was reference to recovery response and the small repairs he believes will be done during normal business hours.

Mr. Barnhart said that Mr. DiBlanca is a very amicable person and if he were at the meeting tonight, he would surely answer these questions. Ms. Nencetti stated that she intended to introduce herself to him but has not had an opportunity to do so yet. Mr. Barnhart recommended doing so and thought that Ms. Nencetti being able to speak with Mr. DiBlanca directly would surely help ease her concerns. Mr. Barnhart also stated that in any case, the Planning Board is still reviewing the proposed business, and it has not yet been approved. He then told Ms. Nencetti that she was welcome to come back to the next meeting in May, as we are not closing the Public Hearing tonight.

Then Mr. Reid said that he wanted to make it clear that we are unaware of any active business there. There is currently no special use permit for the towing or automotive. He explained that all neighbors within 500ft radius got notified of the public hearing. It is part of the Town doing its due diligence to grant this special use permit. Mr. Reid then said it's a very good thing for neighbors to show up for the Public Hearings so that if the Special Use permit is approved, the Board can maintain restrictions and/or put things into place so that the business operations do not negatively affect the neighbors. He added that having cars revved at all hours of the night is not something that anyone should have to deal with, especially for a special use permit. He said that it sounds like the accessory use could be in violation, and that he can't speak on behalf of the board, but it'll be something worth investigating to make sure that the accessory uses are not affecting the surrounding neighbors. Mr. Reid explained that we can limit the approval of operations to accommodate the neighbors, and if disturbances do happen, we can develop avenues to remediate the issues.

Mr. Widmark then asked Ms. Nencetti about the other building on the side of her home that she said was having events. Ms. Nencetti said that they renovated the existing barn and put in a couple of bathrooms and a canopy and a kitchen. She said it's beautiful and that she is neighborly with them. But when she got the notice for Nicky D's in the mail she thought, well, how come she didn't get one when that place went into business? She went on to explain that they are right next to her property line and having big parties. She said that getting notices in the mail for special permits for things that are already happening is just confusing to her. Ms. Nencetti then said she will take that up with the building department. Ms. Franson looked up the address and said that it is owned by Firefox Farms, LLC and it is the last property in Shawangunk before the Gardiner line.

Mr. Barnhart asked if anybody else had any questions or comments regarding Nicky D's Towing, to which no one responded.

Mr. Barnhart then called for a motion to continue the public hearing at the next meeting set for May 6, 2025.

A motion was made by Todd Widmark and second by Sal Patella to continue the Public Hearing to May 6, 2025. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Harrier Ridge Estates

Mako Homes – 7-Lot Subdivision (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, Wallkill Fire District (FD 171). Seven lot subdivision project.

Zachary Peters of Mercurio, Norton, Terolli and Marshall appeared for the applicant. He explained that Larry Marshall appeared for their client at the last meeting in March and had discussed with the board the status of the project. Mr. Peters said that he thinks that most of the major items were addressed then. He added that they are working with the Ulster County Department of Health, which finally provided some comments back and they're working on addressing those to get their sign-off.

Mr. Barnhart then asked if there was anybody from the public present who may have comments or concerns regarding the Harrier Ridge project. There were no comments from the public.

Mr. Barnhart then asked Ms. Franson if she could discuss the Negative Declaration

Ms. Franson began by saying that the Planning Board should all have a copy of the draft *Negative Declaration Resolution* for Harrier Ridge with edits from Shawn Arnott. She then read from the document. (Please see page 8, Negative Declaration by Bonnie Franson, dated April 1, 2025). After Bonnie recapped the Negative Declaration, Mr. Barnhart asked if the Planning Board had any other provisions to add, to which there were no comments.

Mr. Barnhart then called for a motion to close the Public Hearing

A motion was made by John Szarowski and second by Todd Widmark to close the Public Hearing. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Mr. Barnhart then called for a motion to approve the Negative Declaration. (see pg.8)

A motion was made by Todd Widmark and second by John Leonette to approve the Negative Declaration. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Mr. Barnhart then called for a motion to approve the preliminary subdivision approval, drafted by Bonnie Franson and dated April 1, 2025 (see pg.12)

The motion was made by John Szarowski and second by Todd Widmark to approve the Preliminary Subdivision Approval Resolution. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Mr. Hoyt said that the *Schedule A Conditions* (see Preliminary Subdivision Plan Approval Resolution, by Bonnie Franson, pg. 12) for the project must be met prior to final approval. He handed out a document to the Planning Board and suggested that Bonnie add the laws about road work into the list of conditions, because sometimes the developers do not follow the proper steps, and those conditions are in our laws. He thought it would be beneficial if we added them right into condition twelve so that there is no question, and the Applicant will have their orders. Mr. Hoyt then handed out a printout of the Local Law regarding road

construction for reference (see pg. 17). Lastly Mr. Hoyt brought up the recreation fee. He said that we always subtract one lot off the rec fee. To try to be fair and so that's why condition thirteen says six lots instead of seven. He said that the rec fee is \$2,000 per lot which the Town puts in a dedicated fund used only for parks. Then referring to number fourteen of the Schedule A, Mr. Hoyt said that the Harrier Ridge drainage district must be created by the town board and that's a public hearing which must happen before final. Lastly Mr. Hoyt discussed number Fifteen, and the deed covenants for the infiltration basins on lots five and seven. He explained that since those are going to be privately owned and privately maintained we want to get good language into the deeds so the owners at least have constructive notice, if not actual notice of what they can and cannot do.

Mr. Peters replied that he believes they had sent that to the town board before, and they do have one prepared. He also wanted to note on condition fifteen- it should state 'infiltration basins' on individual lots, not rain gardens because those are the smaller ones. He also said the bigger ones are technically also infiltration basins which has to do with DEC sizing and design criteria.

Ms. Franson then confirmed the edits to be made to the conditions; reword condition 15 to say provide approved deed covenants or a declaration, and then later in that sentence change rain gardens to infiltration basins. As well as in condition 12, add all 5 items from the handout referencing Local Law 1 of 2005, 153-3E as amended & provided by Mr. Hoyt.

Liquid Mercantile, LLC

2442 Route 300, Evan Favaro & Cathy Erenzo (Applicant No. 2024-15)

SBL: 106.12-1-22 (8.5 acres) 2442 Route 300, Wallkill. Combined use for retail, tasting, and distillery production. Zoning: Hamlet of Wallkill Gateway (HWG). Wallkill School District, Wallkill Fire District

George Cronk was present for the Applicant as well as Monserrat Rios of Passero & Associates. The applicant, Mr. Evan Favaro, was present with his business partner. Mr. Cronk went on to state that they had presented a preliminary plan for discussion last fall on this project. At that time, they talked about the land use and some questions went back and forth about the specifics of the land use. He then stated that their intent is to have a 5,000 square foot building on the property that would be able to house a distillery as well as an area for public tasting events that may include serving small food items as well. The distillery would also be using local products for the production. They currently produce at another location right now. He then said that the applicant is here if you have any questions specific to the production process itself. Mr. Cronk then added that when they presented in the fall of 2024, they did not have any topography of the site, or any wetland delineation completed at that time. He said that since then they had gotten the wetlands delineated from the DEC and followed up with a topographical survey of the entire property. He also added that they updated the grading on the site so there could be an understanding of what was intended as well as answering several questions and made some modifications at the request of the board and the consultants. Mr. Cronk said they are here tonight in hopes that they could get to the point of starting a circulation process for the Lead Agency. He said he understands they still need to complete a stormwater design with Department of Health with all the septic and water components to the project, as well as depict the lighting on the site. Mr. Cronk then added that he was in receipt of Bonnie Fransons comments and they're open to questions and comments.

Mr. Barnhart then asked if anyone had received any paperwork from the DEC regarding debris that was dumped on the site many years ago. He stated that to the best of his knowledge, it was cleared up and believed a mitigation took place but was unsure as to whether there were any existing certifications that the site as cleared up.

Mr. Favaro said that when he first purchased the property he went to the DEC, and they didn't have anything on file for it but that he was familiar with the situation Mr. Barnhart was speaking of. He added that there was no paperwork to be found on the topic, but that they never found anything toxic on the land. Mr. Favaro added that upon purchasing the property one of the first things he did was investigate the cleanup of the land because he wanted to make sure he wasn't buying a waste land.

Ms. Franson then stated that the site is in the Aquifer district and there's a substantial list of requirements that need to be addressed. She said she would like the Engineer to look at the Aquifer protection standards so that they're addressed.

Mr. Cronk stated that they are looking at less than 1,000 gallons per day worth of water usage and they are proposing to put a well on the site. He said he knows that there are going to be some specific stormwater practices that we're going to lean towards to help satisfy some of those aquifer protection standards. He then stated that they had not done the design yet because it had been winter, and they could not test the soil.

Ms. Franson then stated that the gateway zoning specifically refers to areas for shared access ways. She said because the site is on a state road the board must agree to have a separate entrance since there's a private roadway that runs along it. If you look in the gateway section, it's under number six. She then said it's not a requirement, it just needs for us to address it and why it needs to have separate access onto the state road and not use the shared access way. Mr. Cronk said that they had confirmed with the applicant that the private road is really servicing some homes along it for residential access and that's why they are not looking to use it and want to keep it separate.

Mr. Patella asked, regarding the building, how much will be production area? Mr. Cronk replied that they plan on dividing it into thirds; a tasting room, production, and then the back would be for barrel storage. He said the commercial zoning requires a 60/65% split, he was not sure of the exact number. So, most of the building would be related to the production side of things, and then about a third of it would be related to having public events.

Mr. Patella then inquired about parking, asking if the parking area would be suited to the maximum occupancy of the building. Mr. Cronk replied that currently, their client is looking to host a maximum of 20-25 people and the layout that has been provided would provide sufficient parking for exactly what they're looking for. He added that the distillery itself is not a huge labor-intensive process, and they are only expecting one or two employees for production. He said he would provide a more detailed rendering of the building later in the process to include doors etc.

Mr. Hoyt then said that the SEQR action is Unlisted, therefore a coordinated review is not required. Mr. Cronk replied that he believed it would be advantageous because they have got the DOT, we're going to have to work back and forth regarding site lines and location. We certainly have the Department of Health that will be involved in several steps of that site line, and then we've got DEC wetlands on the property site. Therefore, they would prefer a coordinated response.

Mr. Hoyt then stated that he had stumbled across a memo that was submitted in 2021 by the DEC to the owner stating that they were not mapped but to act as if they were mapped. Mr. Cronk said that in response to that, they had the DEC come out and flag the site before the surveyors performed their work. So, we have interpreted their flagging as a wetland flagging at this point and have respected it. He added that in the circulation process they're hoping to get any final comments back from DEC.

Ms. Franson then asked a question regarding the gravel access road that's running along the westerly side of the property which provides access to a home to the north. She asked if any easement or right away needed to be shown on the map. Mr. Favaro said he did believe the homeowners had a right of away. Ms. Franson said she just wanted to bring it to the attorney's attention in terms of whether anything needs to be shown on the map. Then Mr. Hoyt said he saw it on the map and Mr. Reid said he believes that it being in the deed will suffice. Ms. Franson said it goes to a one family residence under James and Ann Sondrella. Mr. Favaro said they use it as their driveway and maintain it. Mr. Hoyt said it is a pre-existing right of way and it should not affect much but one of the two deeds should reference it.

Then Mr. Hoyt began a discussion about maximum front yard requirements and stated that he and Ms. Franson spoke about the topic earlier and concluded that the 25-foot front yard maximum setback for this lot is required. He added that the 'original area' for the Hamlet Gateway was at the intersection of Routes 208 and 300. The lots along that area are in the Hamlet and they wanted 25-foot maximums because they didn't want parking close to the road to create a Hamlet effect. Therefore, they created maximums for the H1 and the HWG only. Mr. Hoyt went on to explain that when the area was rezoned and expanded, it captured some additional properties like Mr. Favaro's.

Mr. Cronk said he completely understood the intent and he was unsure of what the board's opinion is. If they would prefer the building a little closer, he said they can move it closer. Doing so would eliminate any of the parking spaces in the front, but they would probably leave the loop in front for fire trucks to be able to get around from an emergency point of view.

Mr. Hoyt said again that he and Ms. Franson believe it was a mistake that this lot was included in the setback requirements but it's in the zoning law and not something they can change and that for a variance on the setback requirements, they can apply to the ZBA without being referred to them by the Planning Board. Mr. Cronk said that they would discuss the topic internally before deciding to move forward on that. Mr. Hoyt said he would recommend the Town Board get involved and correct the table so that the correct zoning districts are inserted in the zoning law. Mr. Cronk asked if the town is in a situation where they're doing any type of zoning changes soon. Mr. Hoyt said there was nothing coming up by way of law changes but that every landowner can petition for the change of the zone. Mr. Cronk replied that it is a lot of work to do , and they would be more inclined to go to the zoning board first.

Mr. Barnhart then called for a motion to circulate for Lead Agency.

A motion was made by Ryan Reid and second by John Szarowski to circulate for Lead Agency. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Lands of Leslie & Thersa Concors

Near 635 Upper Mountain Road, Walker Valley, N.Y -Proposed two lot Subdivision (Applicant No; 2025-03)

SBL:92.3-1-11.111, 264 +/- acres, Zoning District RS-1, Address: Near 635 Upper Mountain Road, Walker Valley, N.Y, Pine Bush School, Walker Valley Fire District. Proposed two lot subdivision transferring land to O.S.I.

Patricia Brooks, the Surveyor representing Teresa and Leslie Concors, appeared before the board for the Applicants Leslie and Teresa Concors. Also present were Bob Annanberg and Matt Decker from the Open Space Institute. She stated that they are proposing a two-lot subdivision of approximately 193 acres of the land of Teresa and Leslie Concors. Lot 1 will be

a 129-acre parcel comprised of 60 acres in the Town of Shawangunk and approximately 70 acres in the town of Wawarsing. She stated that they're going to be conveyed as one deeded parcel and the remaining 133 acres with approximately a thousand feet of road frontage will be retained by the Concors.

Ms. Brooks added that the application before the board is to create a lot which will be eventually conveyed and added to the adjoining Minnewaska State Park. She stated that the parcel of land is in the RS1 Ridge Stewardship District which lists public parks and recreation areas as a principal permitted use. Adding that they are looking to create this lot without road frontage because it is inaccessible due to topographic constraints and they're asking for this for the following reasons: The parcel contains the VerKeerderkill Falls which is a natural feature worthy of protection. The intent is to protect the parcel from any residential development. The parcel is currently surrounded on three sides by the Minnewaska State Park Preserve and there are already three trails from the Minnewaska State Park that partially traverse the property. Also, the Palisades Interstate Park Commission has already expressed interest in the property and adding it to the state park. Ms. Brooks added that letters of intent from both Palisades and Open Space Institute can be provided. Ms. Brooks ended by stating once again that they are trying to create a non-buildable lot and understand that it's a unique project but look forward to any comments.

Mr. Barnhart thanked Ms. Brooks and then called for a motion to set this project for a Public Hearing for May 6th, 2025.

A motion was made by Todd Widmark and second by John Leonette to schedule Lands of Concors subdivision for Public Hearing on May 6, 2025. Vote: All Ayes: 7, Abstain: 0, Absent: 0

The motion to adjourn the Planning Board Meeting was made by Todd Widmark and second by John Leonette. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Respectfully Submitted,

Julie Pawson, Planning Board Secretary

**TOWN OF SHAWANGUNK PLANNING BOARD
NEGATIVE DECLARATION RESOLUTION**

Harrier Ridge Major Subdivision
Dubois and Malloy Road, Walkill,
NY Owner: Mako Homes, Inc.
Applicant: Mako Homes, Inc. (c/o Mark Brissette)

WHEREAS, the Applicant, Mako Homes, Inc., submitted a subdivision application dated August 11, 2023, and received by the Planning Board on August 18, 2023, for the proposed subdivision of a 26.5-acre property into ten (10) lots. At the time of the application, the Applicant submitted both the conventional and the cluster subdivision layout as required by the Town of Shawangunk zoning law. The lots are proposed to be served by individual well and septic. Access was to be gained via Dubois and Malloy Roads; and

WHEREAS, the lands that are the subject of this application are designated on the Town of Shawangunk Tax Maps as S/B/L 106.001-3-29.421 comprised of a 26.5-acre parcel located on the south side of Malloy Road and fronts the west side of Dubois Road, situated in the R-Ag4 zoning district. The site was formerly developed as an orchard. An approximately 4.5-acre area at the western edge of site is already in a conservation easement conveyed to the NYSDEC as mitigation for an adjoining development which resulted in disturbances to habitat for the Northern Harrier, a New York State threatened species; and

WHEREAS, the property is located within a NYS Agricultural and Markets designated Agricultural District and is within 500 feet of a district. An Agricultural Data Statement was submitted by the Applicant as part of the site plan application; and

WHEREAS, during the Planning Board's review process, it determined that the site did not exhibit the physical, cultural and natural features to pursue the cluster subdivision as set forth in Section 177-36A(6) of the Zoning Law. It also found that the cluster development lots, which would necessarily be smaller to accommodate a portion of the site as open space, would be incongruent with the larger lots already developed adjacent to the property. Lastly, the Planning Board also found that it did not want to link Malloy and Dubois Roads through the site as it would encourage motorists to cut through the development. The Applicant did not appear before the Planning Board for a period of approximately five months while the Applicant's engineer designed a conventional subdivision plan which addressed the Planning Board's comments. The conventional plan has subsequently been revised to address various Planning Board, outside agency and consultant comments. The subdivision now consists of seven (7) lots, six (6) of which obtain access to the proposed cul-de-sac road and one lot which obtains direct access to Dubois Road; and

WHEREAS, referral to the Ulster County Planning Board is required in accordance with NYS General Municipal Law 239-n as the project is within 500 feet of a State-certified agricultural district. The Ulster County Planning Board transmitted its site plan review with a received date of 12/4/24. The Ulster County Planning Board provided that the required modifications are to be approval of the proposed wastewater facilities by UCDOH and that agreements regarding stormwater maintenance, conservation easement maintenance, and, if the proposed roads are private, a maintenance agreement be required as a condition of approval as a matter of good subdivision development practice. The Planning Board is in agreement, and an override is not necessary; and

WHEREAS, in accordance with the regulations implementing the NY State Environmental Quality Review Act ("SEQRA"), Part 1 of a Full Environmental Assessment Form (FEAF), was submitted on August 18, 2023, last revised November 8, 2024. The Planning Board determined that the action should be classified as an Unlisted action and has conducted coordinated SEQRA review. As per the Shawangunk Planning Department, the Notice of Intent was circulated in November 2024. There being no objections, the Shawangunk Planning Board has assumed Lead Agency status; and

WHEREAS, a public hearing was opened on the preliminary subdivision plan on December 3, 2024, and closed on April 1, 2025, after comments from interested members of the public on all issues were sought and considered by the Planning Board; and

WHEREAS, the Planning Board has reviewed the subdivision plan entitled Subdivision Plan for Harrier Ridge Estates, last revised January 24, 2025, prepared by Mercurio-Norton-Tarolli-Marshall, consisting of thirteen (13) sheets, which will be further revised to address any conditions of approvals; and

WHEREAS, the Planning Board has analyzed the potential areas of environmental concern associated with the proposed action in accordance with procedures set forth at 6 NYCRR Part 617 and the criteria set forth at 6 NYCRR Part 617.7 implementing the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board consequently finds that the action will not have a significant adverse impact on the environment for the following reasons:

1. **Impact on Land.** The site plan is proposing a total of 8.4 acres of disturbance associated with the project, which is associated with the construction of one single-family dwelling per lot. Disturbance includes site preparation for the dwellings, and some improvements including a public road. As part of the Stormwater Pollution Prevention Plan, soil erosion control measures will be introduced prior to construction to avoid any impacts. Therefore, disturbance will be minimal and no significant impact is anticipated.
2. **Impact on Water.** No portion of the site is within the 100-year floodplain and there are no streams or water bodies on site. The project will create a new demand for water for the new dwellings from individual wells. Wastewater treatment will also consist of individual subsurface sewage disposal systems that will not encroach into surrounding water resources and which shall be approved by the Ulster County Health Department. No significant adverse impacts to water resources is anticipated.
3. **Impact on Drainage.** A Stormwater Pollution Prevention Plan (SWPPP) has been prepared as disturbances are more than 1 acre. Minimal impacts to drainage are anticipated given the limited amount of impervious surface area including pavement being introduced. All stormwater runoff will be directed to infiltration stormwater basins, and other areas will continue to flow to existing drainage courses and infiltrate into the existing subsurface soils. No significant impact on drainage will occur. A stormwater maintenance agreement will be developed to the satisfaction of the Planning Board Attorney to ensure the stormwater facilities are maintained and deed covenants will be required for the maintenance of the infiltration basins on Lots 5 and 7. The applicant shall ensure a drainage district will be created for the continued maintenance of infiltration basins 1 and 2 (on Lots 1 and 6, respectively) prior to the filing of the plat.
4. **Impact on Air.** The proposed subdivision will increase the number of vehicles on the site, and introduce seven (7) new dwellings which will be furnished with HVAC equipment, all of which will generate some air emissions, but no significant adverse impact on air quality.
5. **Impact on Plants and Animals.** As per the EAF Part 1, the site is within an area with habitat for the Bald Eagle and Northern Harrier, federally threatened and NYS endangered species. NYSDEC was consulted and did not respond to the Lead Agency request. An approximately 4.5-acre area has already been established and protected via conservation easement as Northern Harrier habitat. Tree clearing is not significant, except for remnant apple trees which may remain from the orchard. No significant impacts are anticipated.
6. **Impact on Agricultural Use.** The project site adjoins a property within a NYS-designated agricultural district and is within a NYS agricultural district, but the project site itself has not been farmed for over a decade based on representations of the Applicant. An Agricultural Data statement was submitted as part of this application. An agricultural protection note has been added to the plan. No significant adverse impact is anticipated.
7. **Impact on Aesthetic Resources.** The proposed subdivision and construction of single-family dwellings will not have an impact on aesthetic resources. The applicant is minimizing tree removal, restricting it to what is necessary for the construction of the dwellings, and maintaining existing trees for screening. The proposed project is consistent with the existing single-family detached neighborhood character.
8. **Impact on Historic and Archaeological Resources.** The project site is not located near a building, archaeological site, or district listed on the National or State Register for Historic Places. The site is within an area designated as sensitive for archaeological sites on the SHPO inventory. The NYS Office of Parks, Recreation and Historic Preservation has reviewed the Phase I Archaeological Survey Report entitled "Phase

I Archaeological Investigations for the proposed Harrier Ridge Estates, Township of Shawangunk, Ulster County, NY” (January 2025; 25SR00037). No archaeological sites were identified by the survey. Therefore, it is the opinion of the OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

9. **Impact on Traffic and Transportation.** The introduction of seven dwellings will increase traffic on the local road network. Access will be provided primarily to Malloy Road, with one dwelling directly accessing Dubois Road. The traffic generated by the single-family dwellings is not anticipated to cause a significant increase in traffic in the area or affect operating levels of service. No significant impact is anticipated.
10. **Noise and Odor.** The proposed project will not generate any significant adverse noise or odors on the site. There may be elevated noise during housing construction, but this will be short-term in nature. Any restrictions imposed by the conservation easement on Lot 3 shall be complied with.
11. **Critical Environmental Area.** The proposed project is not located within a Critical Environmental Area.
12. **Energy.** The proposed project will create a new demand for electricity. The proposed dwellings will be connected to the local grid/utility via Central Hudson Gas and Electric. Any additional demand is very minimal and will not result in a significant adverse impact.
13. **Growth and Character of Community or Neighborhood.** No impact on growth and character is anticipated from the construction of the dwellings and minor site improvements on the site. The site will not be further subdivided and no future additional building footprints are proposed. The proposed site is consistent with surrounding neighborhoods.
14. **Environmental Health.** The proposed project will not result in any activities or processes that would impact environmental health. The site has not been identified on any database as one having undergone or requiring environmental remediation. Impacts are not anticipated.
15. **Recreation.** The proposed project will place an increased demand on recreational facilities in the Town which cannot be met onsite. To address the additional demand, the Applicant will pay a fee in lieu of recreation in accordance with the Town of Shawangunk Fee Schedule.

NOW THEREFORE IT BE RESOLVED, that:

The Planning Board determines that the action as proposed will not have a significant adverse impact on the environment as proposed and an environmental impact statement will not be required. This resolution shall be deemed a notice of determination of non-significance issued pursuant to 6 NYCRR Part 617 and Article 8 of the Environmental Conservation Law (Environmental Quality Review Act), and the Planning Board secretary is hereby directed to file and circulate this Notice in accordance with the requirements of Part 617.

Upon motion of Member Szarowski ,seconded by Member Widmark and the affirmative vote of 7 members, the negative vote of 0 members, no abstentions, no member being absent, the Planning Board approves the Negative Declaration.

Planning Board Member	Roll Call Vote			
	Aye	Nay	Abstain	Absent
Richard Barnhart, Chair	X			
Ryan Reid, Deputy Chair	X			
John Leonette	X			
Sal Patella	X			
John Szarowski	X			

Tom Tango	X			
Todd Widmark				

Dated: April 1, 2025

Contact Person: Mr. Richard Barnhart, Chairperson
Town of Shawangunk Planning Board
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Walkill, New York 12589
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Harrier Ridge Major Subdivision
Dubois and Malloy Road, Town of Shawangunk, NY
Owner: Mako Homes, Inc.
Applicant: Mako Homes, Inc. (c/o Mark Brissette)

WHEREAS, the Applicant, Mako Homes, Inc., submitted a subdivision application dated August 11, 2023, and received by the Planning Board on August 18, 2023, for the proposed subdivision of a 26.5-acre property into ten (10) lots. At the time of the application, the Applicant submitted both the conventional and the cluster subdivision layout as required by the Town of Shawangunk zoning law. The lots are proposed to be served by individual well and septic. Access was to be gained via Dubois and Malloy Roads; and

WHEREAS, the lands that are the subject of this application are designated on the Town of Shawangunk Tax Maps as S/B/L 106.001-3-29.421 comprised of a 26.5-acre parcel located on the south side of Malloy Road and fronts the west side of Dubois Road, situated in the R-Ag4 zoning district. The site was formerly developed as an orchard. An approximately 4.5-acre area at the western edge of site is already in a conservation easement conveyed to the NYSDEC as mitigation for an adjoining development which resulted in disturbances to habitat for the Northern Harrier, a New York State threatened species; and

WHEREAS, the property is located within a NYS Agricultural and Markets designated Agricultural District and is within 500 feet of a district. An Agricultural Data Statement was submitted by the Applicant as part of the site plan application; and

WHEREAS, during the Planning Board's review process, it determined that the site did not exhibit the physical, cultural and natural features to pursue the cluster subdivision as set forth in Section 177-36A(6) of the Zoning Law. It also found that the cluster development lots, which would necessarily be smaller to accommodate a portion of the site as open space, would be incongruent with the larger lots already developed adjacent to the property. Lastly, the Planning Board also found that it did not want to link Malloy and Dubois Roads through the site as it would encourage motorists to cut through the development. The Applicant did not appear before the Planning Board for a period of approximately five months while the Applicant's engineer designed a conventional subdivision plan which addressed the Planning Board's comments. The conventional plan has subsequently been revised to address various Planning Board, outside agency and consultant comments. The subdivision now consists of seven (7) lots, six (6) of which obtain access to the proposed cul-de-sac road and one lot which obtains direct access to Dubois Road; and

WHEREAS, referral to the Ulster County Planning Board is required in accordance with NYS General Municipal Law 239-n as the project is within 500 feet of a State-certified agricultural district. The Ulster County Planning Board transmitted its site plan review with a received date of 12/4/24. The Ulster County Planning Board provided that the required modifications are to be approval of the proposed wastewater facilities by UCDOH and that agreements regarding stormwater maintenance, conservation easement maintenance, and, if the proposed roads are private, a maintenance agreement be required as a condition of approval as a matter of good subdivision development practice. The Planning Board is in agreement, and an override is not necessary; and

WHEREAS, in accordance with the regulations implementing the NY State Environmental Quality Review Act ("SEQRA"), Part 1 of a Full Environmental Assessment Form (FEAF), was submitted on August 18, 2023, last revised November 8, 2024. The Planning Board determined that the action