

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, 6th day of May 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 April 1, 2025

A motion was made by Todd Widmark and second by Ryan Reid to approve the Meeting Minutes of April 1, 2025. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Mr. Barnhart spoke on the record to thank and show appreciation for Mr. Shawn Arnott, the Town's Engineering Consultant, as Mr. Arnott will be moving on professionally and no longer serving the Planning Board.

PUBLIC HEARING:

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.

Patti Brooks spoke for the applicants Leslie and Theresa Concors. She stated that this subdivision is approximately 274 acres and that approximately 72 acres of the proposed new lot is in the town of Wawarsing, and about 62 acres of it is in the town of Shawangunk. She explained that the proposed subdivision is a conservation subdivision to be used solely as public parks and recreation. Ms. Brooks stated also that since their last appearance the maps were revised to include Verkeerderkill Falls and stream, the Beaverkill Brook, signature boxes and columns for zoning standards in the bulk chart. Ms. Brooks then requested two waivers with the first one being to waive the cluster subdivision requirement and the second waiver being that the created lot 1 in Shawangunk does not need to be a buildable lot as per The Town's subdivision regulations. She stated that an exception can be made as per section 152.25 of the regulations which allows the Planning Board to waive that requirement when the modification is in the public's interest.

Mr. Reid asked if the town line could be defined on the map? He said that for tax or subdivision purposes as well as lot line changes, he would prefer to see the metes and bounds. Ms. Brooks explained that there were several older, previously approved subdivision maps that were used in creating the current map. There are full metes and bounds on 133.73 acres and there is a note on the map that the boundary for lot two is based on the previous reference maps (and is subject to a full boundary survey.) Mr. Reid said that at minimum he would like to see the Shawangunk Town line defined on the map. Ms. Brooks indicated she would add it.

Mr. Reid and Ms. Brooks then discussed the subdivision requirements. Ms. Brooks said she reviewed the requirements regarding RS1, and that the Planning Board, prior to approval and if an applicant agrees to protect more than 50% of the parcel from development, has authority to waive the applicable standards. She said that the Lot 1 would be 100% protected from development. Mr. Reid then stated that a portion of the holdings are in Wawarsing and we cannot require an easement over another towns lot due to minimum frontage. Ms. Brooks said she reviewed that section of the code as well and is asking for a waiver for the easement since the only reason it would be needed would be to access the parcel to build upon it. She said they have added further restrictions on the lot to ensure that it will not be buildable so that they wouldn't need to have an easement. Ms. Brooks said she recognized that in accordance with town law they would not be able to get a building permit. Mr. Reid agreed if it's a non-buildable lot that there would be no purpose in having an easement because it really wouldn't need to be accessible. Mr. Reid then asked if the applicant is willing to file a Declaration along with the map? Ms. Brooks responded that they can't file a Declaration or OPRHP wouldn't take the property with a restriction on it. Mr. Reid then asked if OPRHP is okay with the notes on the map, that it is not a buildable lot? Ms. Brooks said they were and that they had reviewed this map today and approved all the notes that were on it. The reason for not being able to file a Declaration along with the map she believes has something to do with the attorney general's office review and taking title to the restriction. There was then some conversation between Ms. Franson, Ms. Brooks and Mr. Hoyt regarding the sections of the subdivision regulation codes requiring waivers.

A motion was made by Ryan Reid and second by Todd Widmark to waive the requirements for road frontage and waive a cluster subdivision. Vote: All Ayes: 7, Abstain: 0, Absent: 0

A motion was made by Todd Widmark and second by Sal Patella to open a Public Hearing for Lands of Concors. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Mr. Barnhart stated that in the interest of moving this along, we're going to do an expedited public hearing. We're going to hold this open for an hour, and then we're going to close it, and then we'll move forward to review the Negative Declaration. He asked if anybody in attendance would like to speak to the matter of lands of Leslie and Teresa Concors?

Mr. Dave Haldeman asked how much acreage is being transferred to OSI? Ms. Brooks responded it will be 133.73 acres. There were no other comments.

CONTINUATION OF PUBLIC HEARING:

**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 stated that the public hearing is already open regarding Nikki D. Is there anybody else here who would like to speak about the project? Mr. Reid then asked if Nick was at the meeting last month. Mr. DiBlanca said he was not in attendance last month. Mr. Reid brought up the neighbor who was in attendance last time with noise concerns. Mr. DiBlanca said that he was made aware of the comments and had spoken to the neighbor who had the complaints, the neighboring tenant who is accused of being noisy as well as the property owner. With the concern of the other tenant, Mr. Reid said that he thinks the special use should be specific for just Nick DiBlanca's business concerning the right side of the building. Mr. DiBlanca had no issue with that so long as his special use and business is approved. He said he made himself clear with the landlord and other tenant that the noise cannot affect his business and that it is a problem.

Mr. Barnhart then asked Mr. DiBlanca to clarify which bay was his since there are three bays. Mr. DiBlanca stated that he uses the last bay at the end near the fence and the fenced in area which he uses for towing. Then Mr. Barnhart said he just wanted it to be clear so that the special use only encompasses Nick's operation. Mr. Barnhart then asked Nick to clarify his repair menu and hours of operation. Mr. DiBlanca stated that repairs would be only brakes, tires, oil changes etc., and that repairs would take place between 9am to 4/5pm. Towing would be 24 hours. Mr. Barnhart then asked Nick what he was going to be doing with waste oil to which Nick responded that he is not doing anything about waste oil right now, it will be stored inside in containers until he gets a permit from DMV to dispose of it from that location. Mr. Barnhart then asked about fence slats, lighting and size of the fenced in storage area. Mr. DiBlanca said he will add the fence slats, that he has one solar motion activated light above his bay, and that the fenced area is approx. 30ft by 30ft. He also stated that he installed some security cameras. Mr. Tango asked Mr. DiBlanca about signage and Mr. DiBlanca stated he would be adding a sign to the building and that he would relay the dimensions and design to the Planning Board.

Mr. DiBlanca asked if he sold his business and someone bought it all out with the intention of operating the same exact business model- would the buyer still have to come back to the Planning Board to legally operate the business? Mr. Hoyt responded that many times our permits run with the land, not with the applicant and he thinks if someone came in and did the same thing they wouldn't have to come back for a change of ownership,

Mr. Tango stated that he would like to see some comment on the map as to exactly where storage of trash and anything else is going to be outside. Mr. DiBlanca said he would talk to the Engineer to add that as well as the size of the fence and its dimensions.

There were no further comments or questions. Then Mr. Barnhart said the Public Hearing will remain open until next month and that he believes if there are no other issues with the Board, Bonnie can type up a Negative Declaration for next month and move on.

Ms. Franson stated that in terms of GML review, this is reuse of an existing structure and our agreement says if you're not required to increase parking as per the code and no new lighting, et cetera, it doesn't have to go to the county, and that appears to be the case here.

Mr. Hoyt stated that Ms. Fransons memo stated that the project may also be exempt from SEQRA and if so, no Negative Declaration would be needed. However, it might still be useful to put together the actual resolution even if there is no negative declaration. Ms. Franson agreed.

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

APPEARANCES:

Wayne Sheeley, Two Lot Subdivision (Applicant No.: 2024-10) SBL: 106.4-2-21.1, Acres: 15.1, Address: 425 Plains Road, Zoning District: R-Ag 2, School District: Wallkill, Fire District: Wallkill Fire. Project: Two Lot Subdivision and Existing Old Home Renovation into a Duplex

Larry Marshall of MNTM was present for the applicant. He stated that the project was back from the Zoning Board of Appeals, where a front yard variance was granted for the existing home as it is too close to Plains Road. He reiterated that there will be no modification for the exterior of that building other than standard maintenance. Mr. Marshall explained that the project is back before the board for consideration of the two-lot subdivision and special use permit to complete the subdivision, divide it into two lots, and then consider the alteration of the existing dwelling into a two-family.

Mr. Tango then asked if the proposed two-family home would keep the same number of bedrooms? Mr. Marshall said that was correct and that the modification of the building is purely related only to the alteration of various rooms, but the total number of bedrooms is going to remain the same. He explained that it is an existing five-bedroom dwelling and that the existing rooms to the back left of the house will be converted into bedrooms, and then the upstairs will have a bedroom converted into a living room and kitchen. The net change is zero.

Mr. Reid then asked Mr. Marshall if they normally put certifications to the town on subdivision maps? Mr. Marshall said that was not a normal requirement. He said maybe if there was a conservation, a lot, or maybe a town road then maybe that would be the case. Mr. Reid then asked about the rock wall along lot 2 and pointed out that there is really no way of accessing that lot for the next owners, unless the rock wall is entirely removed. Mr. Marshall said that the applicant has no desire to sell either lot, but he understands the concerns for future owners and from an access standpoint, if they wanted to access that rear, they could open a barway up in that stone wall to access that rear portion. He said there's nothing physical other than some stones that would have to be removed, and some trees, it's not a cliff or a stream or anything that we can't get through.

There were no further comments or questions, and Mr. Barnhart asked Mr. Marshall and the Board if they would like to Continue the Public Hearing on June 3rd at 7pm. **A motion was made by Ryan Reid and second by John Leonette to continue the Public Hearing. Vote: All Ayes: 7, Abstain: 0, Absent: 0**

Hufcut / Boniface. Proposed 2 Lot Subdivision, Burlingham Road (Applicant No.: 2025-07): SBL: 104.4-3-18 (21.16 acres), Address: Jason Boniface, Burlingham Road, Pine Bush School District, Walker Valley Fire (FD176), 2-Lot proposed subdivision project.

Larry Marshall of MNTM was present for the applicant for a two-lot subdivision located on Burlingham Road. He stated that they are back from the Zoning Board with a granted variance for a two-flag lot subdivision. So, we are back before this board for consideration of the two-lot subdivision. We did receive the comments from Bonnie as well as comments as the engineer's comments and they take no exception to anything that's being raised from either consultant. He said they plan on revising the plans to address those comments. The one exception that I do have is Shawn Arnott's comment which states that the applicant needs to get an Ulster County Department of Public Works permit for the driveways. He said

there are existing driveways that are being used for each lot. One is a common driveway and then the other is an existing driveway. So, he doesn't think it's necessary to receive approval from the DPW. Mr. Barnhart asked if the new DEC regulations were in question on this project in any way? Mr. Marshall replied that there may be some wetlands encroaching on lot 2 but that lot 1 is where the construction is proposed.

Mr. Tango stated that he does not think the regulations fully come in until 2028. Mr. Marshall asked that, because no additional construction is being proposed on Block 2, and that construction has been issued a certificate of occupancy, can he add map notes to state that there are wetlands here, and that we need to contact DEC if there's *any further disturbance on Block 2*? Ms. Franson said she could talk to DEC and see. Mr. Marshall added that he would even add a 100-foot buffer onto the wetland area, and say any disturbance within this area, you've got to contact DEC. He said that the concern is that if we must get an answer from DEC, that could take 90 days from the date that they submit, and the applicant obviously wishes to begin construction on their lot well within that 90-day period. And in fact, it doesn't affect that lot.

Ms. Franson said again that she understands that we're really talking about building the other lot which is not in one of these DEC informational wetland mapping. She said she would do some research.

Mr. Reid then stated that with the limited amount of road frontage on each flag lot in this subdivision would Mr. Marshall be okay with the restrictive language of the lots not being able to be further subdivided? Rich, correct me if I'm wrong, but I believe that's a restriction in the zoning code. That flag lots are not further subdivided. I think that's a requirement in the zoning code. Mr. Marshall said he would work with the applicant on putting something together.

Continuation of a Public Hearing was agreed to be set for June 3rd at 7pm. **A motion was made by Ryan Reid and second by John Leonette to continue the Public Hearing. Vote: All Ayes: 7, Abstain: 0, Absent: 0**

Catsmo Artisan Smokehouse. Site Plan Change & Addition (Applicant No.: 2024-17) (SBL: 106.001-1-17.141) Proposed Addition for a 4,853 sq.ft. addition to existing smokehouse facility located at 25 Myers Road, Wallkill N.Y. 12589, 92.8 Acres in the R-Ag4 District, Wallkill Fire District & Wallkill Central School District.

Mr. Marshall of MNTM presented for the applicant, CATSMO Smokehouse facility located on Myers Road. They're looking to expand the facility by adding an additional smoker, some additional storage space inside, and then improving the loading dock situation on the site. They would be removing all the existing loading docks and then adding two new ones. Since the last board meeting, they have prepared a preliminary stormwater layout in terms of what they're looking for in terms of treatment. They have completed all the soils testing with the Ulster County Department of Health and shown the preliminary septic system for that. They also show the necessary grading for the proposed expansion. Mr. Marshall said they owe the board a lighting plan, but that lighting plan is going to be very benign. They are not looking to expand the parking area beyond what is currently there and are just looking to add some lighting over top of the loading docks to allow them to be used during either early morning or afternoon hours.

Mr. Barnhart then asked if everything was cleared up with the Department of Health? Mr. Marshall said they are working with the D.O.H. regarding the expansion area and don't have approval yet. He said they are looking to mirror the two existing cells and add two more, basically mirroring them right next to where they currently are further towards the

Dwarrkill. He said construction has been set up so that they just put the new cells in and connect the pipe and open the valves. Mr. Patella asked if this was a new approved system or an expanded system. Mr. Marshall replied that it is an expanded system. Mr. Barnhart then asked if we must decide on sending this to the County. Ms. Franson said since the property is within 500 feet of an agricultural district, it is required to be sent to the County. She said there are some exceptions, but it doesn't seem that this application fits within those exceptions. She added that Mr. Marshall needs to provide detailed lighting so that it can be sent to the County. She added that we still need a SWPPP but the county doesn't need that. Mr. Marshall said he would make the revisions to the plan and get the SWPPP done and resubmit for June 3rd.

PUBLIC HEARING:

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 Open Space Institute.

Ms. Brooks appeared for the applicants Leslie and Theresa Concors who had left for the evening. There were no comments or questions from the Board or the Public. Ms. Franson read over the Negative Declaration (see pg. 7). The resolution notes that the action will not have a significant adverse impact on the environment

A motion was made by Ryan Reid and second by Todd Widmark to Approve the Negative Declaration. Vote: All Ayes: 7, Abstain: 0, Absent: 0

A motion was made by John Szarowski and second by Tom Tango to Close the Public Hearing. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Regarding conditions, Mr. Hoyt stated that Patti had sent an email at the end of April asking us to call this a conservation density subdivision, and therefore to add a note to the map which reads: "The purpose of this subdivision is to preserve open space and maintain and enhance the rural quality of the area". Ms. Franson added that typically we just say all outstanding fees must be paid. She also added that as Mr. Reid had pointed out earlier that they must add metes and bounds on the map along the town line and remove the word "proposed" after "no construction or development of this lot"

A motion was made by Todd Widmark and second by John Szarkowski to approve the preliminary conditions of approval. Vote: All Ayes: 7, Abstain: 0, Absent: 0

DISCUSSIONS:

Short Term Rental Law

Respectfully Submitted,
Julie Pawson
Planning Board Secretary

TOWN OF SHAWANGUNK PLANNING BOARD

SEQRA RESOLUTION AND NEGATIVE DECLARATION

Leslie and Theresa Concors – 2 Lot Subdivision
Upper Mountain Road
Owner: Leslie and Theresa Concors
Applicants: Open Space Land Trust

WHEREAS, the Applicant, Open Space Institute Land Trust, submitted a subdivision application dated March 13, 2025, and received by the Planning Board on March 21, 2025, to subdivide an existing vacant lot totaling approximately 202 gross acres into two (2) lots, Lot 1 consisting of approximately 62 gross acres and Lot 2 consisting of approximately 140 gross acres; and

WHEREAS, the lands that are the subject of this application are designated on the Town of Shawangunk Tax Maps as S/B/L 99.3-1-11.111 located generally to the west of and within frontage upon Upper Mountain Road and situated in the RS-1 zoning district. A small portion of proposed Lot 2 extends to the east side of Upper Mountain Road. It is noted that Lot 1 also includes lands extending into the Town of Wawarsing which is not the subject of this Negative Declaration; and

WHEREAS, the Applicant has indicated the intent of the subdivision is for the Open Space Land Trust Institute to acquire Lot 1 for conservation purposes. Lot 1, including the portion with the Town of Wawarsing, contains Verkeerder Kill Falls and adjoins lands that are part of Minnewaska State Park. The Applicant has included notes that Lot 1 shall not be used for building purposes and building permits will not be pursued, as no development is or will be proposed. Lot 2 at this time is vacant and development is not anticipated for the foreseeable future. At such time that any development is proposed, it would be required to comply with the stringent development standards applicable to the RS-1 zone including future SEQRA review; and

WHEREAS, the Planning Board resolved to waive the cluster subdivision submission for this application; and

WHEREAS, based on the agreement between the Shawangunk Planning Board and the Ulster County Planning Board, referral to that agency in accordance with NYS General Municipal Law 239-n is not required; and

WHEREAS, in accordance with the regulations implementing the NY State Environmental Quality Review Act ("SEQRA"), Part 1 of a Short Environmental Assessment Form (EAF), was submitted and last revised on April 28, 2025. The Planning Board determined that the action should be classified as an Unlisted action and has conducted uncoordinated SEQRA review; and

WHEREAS, a public hearing was opened on May 6, 2025, and closed on May 6, 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 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 as the Applicant does not propose any land construction and thus there will be no impact on land, surface and groundwater resources, drainage, air, agricultural uses, plants and animals, aesthetic resources, historic and archaeological resources, energy, community character, community services, or environmental health; and

WHEREAS, the proposed Project is located within the Shawangunk Ridge Critical Environmental Area. Preservation of Lot 1 as open space is consistent with the intent of the CEA: and

WHEREAS, a subdivision within residentially zoned areas typically places new demand on the Town's recreational facilities. However, Lot 1 is proposed as open space, and Lot 2 is not proposed to be developed at this time. The Planning Board determines that the 2-lot subdivision will not place demand on recreational facilities. Any future development of Lot 2 will be assessed at such time an application is received.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Planning Board determines that the action as proposed will not have a significant adverse effect upon the environment as proposed and an environmental impact statement will not be required.
2. That 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.

Resolution offered by Member Reid, seconded by Member Widmark, adopted on a vote of 7 ayes, 0 nays, 0 members abstaining, 0 members absent.

Planning Board Member	Roll Call Vote			
	Aye	Nay	Abstain	Absent
Richard Barnhart	X			
John Leonette	X			
Sal Patella	X			
Ryan Reid	X			
John Szarowski	X			
Tom Tango	X			
Todd Widmark	X			

Dated: May 6, 2025