



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, the 5th day of May 2026 at 7 P.M.

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

Absent:

Also Present: Rich Hoyt, Esq., Planning Board Attorney; Bonnie Franson AICP, CEP, Nelson Pope Voorhis, Planning Board Consultant. Please see the sign-in sheet for other attendees.

Meeting Location: Town Hall, 14 Central Avenue, Wallkill, NY 12589

Open Regular Meeting: 7:00 pm

Emergency Exists Announcement

Pledge of Allegiance

Approval of Minutes: April 7, 2026

A motion was made by Mr. Todd Widmark and seconded by Mr. John Szarowski to approve the April 7, 2026, Planning Board Minutes. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Introduced Pursuant to the Planning Board and the New York State Open Meeting Law:

Mr. Reid stated the following: All public meetings of the Planning Board may be photographed, recorded and broadcast. To ensure orderly proceedings, the following rules apply.

1. Recording devices must be placed where they do not obstruct aisles, exists, and sightlines of attendees, such as along the rear and sides of the room.

2. Equipment must be stationary and operated in a manner that does not unreasonably disrupt the meeting.
3. No additional lighting or intrusive audio equipment is permitted.
4. Individuals recording may not interfere with the proceedings or approach participants during the meeting.
5. The Planning Board Chair may require adjustments or relocation of equipment to maintain order and safety.
6. No recording is permitted during executive session.

Failure to comply with these rules may result in removal of equipment or individuals from the meeting.

Mr. Barnhart: How is it handled if somebody does not wish to be recorded?

Mr. Hoyt: The individual should not speak if they do not wish to be recorded. The law is very clear regarding this matter.

A motion was made by Mr. Todd Widmark and seconded by Mr. Tom Tango to approve the above per and the New York State Open Meeting Law. Vote: All Ayes: 7, Abstain: 0, Absent: 0

CONTINUATION OF PUBLIC HEARING:

Bardin Subdivision – (Applicant No. 2025-04): Proposed 2 Lot Subdivision, SBL: 99.3-4-39.311, Acres: 115 +/-, Zoning District: R-Ag 2, Address: Andrew Bardin, 332 Old Hardenburgh Road, Pine Bush, New York 12566, Pine Bush Fire District, Pine Bush School District.

Ms. Margaret Hillriegel was present to represent Bardin Subdivision. They are proposing to break off a 13-acre parcel for a single-family home with a flag lot. The lot being created is a 13-acre parcel with about 11 acres of wetlands. When this project initially started, the mapping did not include DEC wetlands. Since the DEC has decided there are wetlands, we had to obtain DEC approval. The only way we can access this parcel is through the 50-foot strip. Before the DEC made a new ruling the property did not show wetlands, and we would not have needed DEC approval. Currently, DEC is freezing us out, and the wetlands rule is annulled; the new law still exists, the regulation itself has been thrown out. If we were to proceed, we would impact .02 acres of wetlands.

Mrs. Hillriegel: My proposal to the board is we build a driveway to get approval and there should be no problem. There is no way to get to the lot without crossing through that section.

Ms. Franson: Did you get the property validated yet?

Mrs. Hillriegel: Yes

Ms. Franson: I would speak with Mr. Nowicki and ask about the Army Corps permit and see if you would be covered under the DEC general permit. If the regulations come into effect everything would have been done in the absence of getting a permit. The Driveway Easement has been sent to the town lawyer for review as well.

There were no comments from the audience.

A motion was made by Mr. John Szarowski and seconded by Mr. John Leonette to adjourn the Public Hearing until June 2, 2026, at 7:00 pm or soon thereafter.

Vote: All Ayes: 7, Abstain: 0, Absent: 0

PUBLIC HEARING:

Dylan Lacoutte (Application No:A26-0001) Proposed Deli, SBL# 99.2-1-32, Zoning District: AE, Acres: 1.25, Address: 2630 New Prospect Road, Pine Bush, NY 12566, Shawangunk Valley Fire District, Pine Bush Central School District

Mr. Dylan Lacoutte stated that he is proposing to fix up a building that was once a general store/deli and would like to turn it into a little deli again. The last five months I have been getting the engineered site plans, structural reports, surveys, etc.

Mr. Reid: This project was sent to the Ulster County for GML review. We are still waiting to hear back from them.

Mr. Hoyt: This is Exempt from SEQR. This cannot be granted an approval until we receive the GML review. The Public Hearing can remain open until the June 2, 2026, meeting and a decision may be made then.

Mr. Reid: Go back through the comments from Ms. Franson and our Engineer and make sure everything has been answered.

A motion was made by Mr. John Szarowski seconded by Mr. John Leonette to adjourn the Public Hearing until June 2, 2026, at 7:00 pm or soon thereafter.

VOTE: All Ayes: 7, Abstain: 0 Absent: 0

Louks, Gregory (Application No: 2026-004) Proposed 2-lot Subdivision, SBL#106.1-3-40.111, Zoning District: R Ag-4, Acres: 33.3, Address: 1845 Albany Post Road, Wallkill, NY 12589, Wallkill Fire District, Wallkill Central School District

Mr. Joseph Nosek P.E. from Nosek Engineering and Mr. Joseph Rappa, surveyor, were present to represent Mr. Louks. This property is 33.3-acre parcel and is located at Byun Turnpike and Albany Post Road. There is an existing home as well as an existing driveway and septic to serve his home. We are looking to cut off approximately 8-acres with one new single house with its own well and septic system. The new home would utilize the existing driveway with an extension to bring the driveway up to the new home.

There will be no disturbance to the wetland. We have started the paperwork for the Board of Health, and we have done the perc tests.

A request has been submitted to the National Heritage Program for review because of their question regarding the Short EAF regarding the DEC flagging.

Mr. Reid: Asked if there were any comments from the public?

Mr. Louks: Stated that the new wetlands designations have severely impacted his own property. It has been overturned by the courts for three reasons.

- 1) Part 664 of the DEC requirements did a deficient review.
- 2) They did not adequately accommodate or account for public comments.
- 3) It was considered an arbitrary overreach.

It has affected millions of private property owners of their rights.

No one else from the audience had any comments.

Ms. Franson: For the next meeting we will need you to submit the new comments and provide a new site plan.

Mr. Hoyt: I think at this point Ms. Franson can draft a NegDec (NegDec).

A motion was made by Mr. Sal Patella and seconded by Mr. John Szarowski to adjourn the Public Hearing until June 2, 2026, at 7:00 pm or soon thereafter.

VOTE: All Ayes: 7, Abstain: 0 Absent: 0

CONTINUATION OF APPEARANCES:

Liquid Mercantile, LLC, 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

Mr. Chris LaPorta and Ms. Monserrat Rios from Passero Engineering represent Liquid Mercantile.

Ms. Rios: We have sent in updated plans showing the lighting and the landscaping.

Mr. LaPorta: We have gone to the Zoning Board. They are waiting to make their determination until the Planning Board completes the SEQR before they can render their

decision. The ZBA is primarily looking at the set back of the building as well as the parking. We would like to return to the ZBA as soon as possible as it would be a huge site plan change if they did not issue the variance.

Ms. Franson: This was circulated in April 2025. The Planning Board has taken Lead Agency. In order to get the NegDec, we will need something from the Department of Transportation (DOT) and the Department of Health (DOH). You already have your wetland survey completed. We are waiting on the engineer to review the SWPPP and to get back to us regarding any comments and then we can enter that into a NegDec. A Public Hearing has to be done.

Mr. Hoyt: This project is ready to be set up for a June Public Hearing.

Ms. Franson: This project needs go to the Ulster County Planning Board for a GML review.

Mr. LaPorta: It was mentioned that a fire advisory should be done.

Ms. Franson: Yes, you would give a copy of the plan to the Fire Chief and if he has any comments he can provide them.

A motion was made by Mr. Richard Barnhart seconded by Mr. John Szarowski for a Public Hearing on June 2, 2026, at 7:00 pm or soon thereafter. VOTE: All Ayes: 7, Abstain: 0, Absent: 0

Eagles Roost Multi-Family Development – Lou Donnelly (Applicant No: 205-07): SBL# 106.4-1-6.200, Zoning District: Hamlet (H-1) and Borden Historic Overlay (BH-), Acres: 25.8, Address: Buena Vista Avenue, Wallkill, NY 12589, Wallkill Fire District, Wallkill Central School District, Wallkill Sewer and Water.

Mr. Ross Winglovitz, Engineering & Surveying Properties, PC and Ms. Maria Donovan, JG Law, and Lou Donnelly, applicant, were present to represent Eagles Roost.

We are here this evening to discuss the potential to go back to what was a 31-subdivision plan that received preliminary approval from this board and a NegDec in February 2015. The project was before the board for a while and received preliminary approval in the late 2000; then came back and received an updated preliminary and updated NegDec. The 31-lots are in a cluster layout; the entrance is opposite Third Street with a secondary entrance on Buena Vista and a cul-de-sac at the back. These will all be single family homes. We understand the preliminary approval has not been revoked and should still be in place. There is a large piece of DEC wetland, which was the same one we were addressing with the multi-family project with buffers. It has received approval from the DEC for this project layout but has since expired and will have been removed. The applicant would like to discuss this concept and move this forward. There are partners still who want to proceed with the multi-family. We have strongly advised and convinced them that this project is something the board considers to be a preliminary approval and an executive notice; we would like to move forward with the single families.

Mr. Reid: Do we know why Titus dropped this project at the preliminary stage?

Mr. Donnelly: The economy crashed in the early 2000 and why I decided to build apartments. The infrastructure was more than it was worth.

Mr. Winglovitz: I have been doing multi-family lots for the last ten years because nobody wanted to develop a single-family project and many had been approved between 2007 until around 2010. It seems the market is now interested in single-family homes and a good move for Mr. Donnelly and a good move for the town to go back to single family at this point. The market is there for it.

Mr. Reid: Have you had any comments from the DEC since the permits have now expired? From my understanding the DEC is not out to help.

Mr. Winglovitz: We have not revisited with the DEC. I did speak with DEC today about the permitting and how it is being handled. In light of the investigation, the fact that they have lost and the new rights are no longer in place and they are basically proceeding as they did previously when this permit was reviewed. I am confident that if they have issued it once they will issue it again.

Mr. Reid: I think the NegDec really stemmed from the approval of the DEC.

Mr. Winglovitz: I think it was approved with a through road and 32 lots in 2007. As part of the DEC process, this crossing was requested to be removed. It came back to the board for an amendment of the preliminary approval of the NegDec to accommodate the change requested by the DEC.

Mr. Reid: I cannot determine a NegDec or Positive Declaration (PosDec) until we receive some guidance from the DEC of what they want.

Mr. Winglovitz: Our request is that we are confirming the NegDec authority issue is in place. The preliminary approval is also in place and not revoked. This would allow us to go forward with the project. We need to make sure that you are not going to revoke it and that is the information we need to take to the DEC.

Mr. Reid: I do not see us rescinding the approval. I think there is some work that will have to be done on the NegDec. It was based on the approval originally from the DEC.

Mr. Winglovitz: We are not changing the layout of the 31 homes we are just looking to get the permit reissued. It did not get the water and sewer main extension approved.

Ms. Franson: There has been no discussion on the NegDec, it's up to the Planning Board whether they want to revisit it. There may be some updates to it, if it's dated it doesn't reflect current information.

I would envision the NegDec needing to be updated, not necessarily changing it from what the Planning Board was in agreement on.

Mr. Winglovitz: So, we should touch base with the DEC and make sure this permit is ready to be reviewed.

Mr. Reid: There will definitely be updates. The archeological studies can still be used. I feel that first thing you should do is get something from the DEC.

Mr. Donnelly: We need to tell the DEC we have a preliminary approval from the board. If we have it, we can make a presentation to the DEC and show them what we have gotten preliminary approval on and ask them to re-approve it.

Mr. Reid: You have preliminary approval that has not been rescinded by the board. I cannot see DEC putting us in a position where we have to make the determination where we hope DEC

gives you the updated permit. This is not a new permit. Originally the preliminary approval was on the DEC not expiring. The board unfortunately cannot act until we hear from them.

Ms. Franson: I have an e-mail that was addressed to Lee Titus, and the permit was extended. The DEC wrote that they can only extend the permit through April 4, 2027. It does not mean you would not get a permit again, it means it expired. My understanding is you got the wetland boundary revalidated and it has not changed.

Mr. Barnhart: This was preliminary approval in 2015. How do we as a board address obvious changes that have occurred?

I am not comfortable with the houses along the rail trail, the traffic is a big concern, the fire department ought to also opine on this. I feel we need more clarification on certain things and can't simply take what was approved in 2015 and go forward.

Mr. Winglovitz: I have many projects from 2002, 2009, and 2012 that are continuing to be re-approved and built as we speak, our point is this has been preliminarily approved. We understand you have to look into it and update the SEQR, but we are not looking into opening Pandora's box.

Mr. Reid: Testing was done on the lawn; there was water there and some things needed to be revisited. We do have some concerns such as Viola Street just had a water main break.

Mr. Winglovitz: I spoke with your water consultant, and the actual answer is not much has changed as far as capacity and not much has changed in capacity.

Mr. Reid: If the DEC does say they are ok extending the permit we are still going to go through the prior preliminary approvals. We may see something that we want to revisit. I understand your stance with the preliminary approval of the outline, changing it would change a lot of things. We cannot use the past decade and start from the past.

Mr. Patella: Just to clarify every house will be 3-4 bedrooms?

Mr. Winglovitz: Yes, that was outlined in your preliminary approval. You have limited the house size because it was a cluster. The idea was to provide buildings that are going to be more consistent with the hamlet.

Mr. Hoyt: There were four issues that were not resolved 12 years ago. Architecture's, streetlights and their location, and landscaping. Then the general final approval of the final notes on the map. In 2014 was the last Public Hearing. New people have moved in and people have moved out. We are committed to go back the public for their input. Many of the board members are just seeing this for the first time as they were not on the board back in 2015. We like to make sure that the people who live there now know what is happening.

Mr. Patella: The overlay has not changed, so architectural design would have to be in accordance with the board and overlay of the historical requirements.

Mr. Hoyt: That was never addressed.

Mr. Winglovitz: We will contact the DEC and we will be back.

Wallkill Fire Department (Applicant No: 12-738)

**SBL#106.4-1-1.12.112 (5.8 Acres) 12 Bona Ventura Avenue, Wallkill, NY
Proposed: Sign Location Change. Zoning District: HWG, Wallkill Central School
District, Wallkill fire Department.**

Mr. Joe Smith, volunteer fire firefighter and member of the Wallkill Fire Department, stated we have been trying to put together a plan for the location of an electronic sign. There is a conduit that runs from the box on the south side of the firehouse under the driveway. This would be where the first driveway is located. The Wallkill Fire Department received approval from the Department of Transportation (DOT) and approved location of sign and that is sufficient. We received a letter from the DOT that the sign needs to be located 40 feet from the center line of Route 208.

Fire Chief Gary Specht, Jr. stated the original plans we presented with the Building Inspector showed where we were originally proposing the sign. Unfortunately, the Building Inspector stated the maps showed it in a different location. The sign will be facing the roadway and will be two sided. It will have standard lighting similar to the electronic signs you see around town (i.e., Wallkill High School).

Mr. Reid: Are you able to change the brightness of the sign? My concern is the brightness at night might be an issue for the neighbors.

Mr. Smith: We do not have an issue of putting a timer on it.

Fire Chief, Gary Specht, Jr.: I am sure there are ways that you can limit the color combinations to the aspect it is not considered disrupting.

Mr. Reid: The code is very specific on the sign having non-flashing lights.

Fire Chief: The sign will not be flashing it will have announcements.

Mr. Patella: Does this sign limit the sight distance from the second driveway for the responders pulling out?

Fire Chief, Gary Specht, Jr.: No, it does not.

Mr. Hoyt: This is a Type II Action and is exempt from SEQR. All the code requirements have been met.

A motion was made by Mr. Richard Barnhart and seconded by Mr. Sal Patella for final approval of the Wallkill Firehouse sign location, Type II Action Exempt from SEQR. No flashing lights permitted on sign. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Mr. Barnhart: Because this is a municipal branch of government, should we not reimburse them for their application fee?

Mr. Hoyt: The firehouse is a not-for-profit emergency service that is part of the town. I would leave it for the Town Board to decide.

Mr. Reid: Do you have anything to discuss from the County?

Mr. Tango: No, there is nothing on the venue.

Mr. Reid: The last thing on the agenda I would like to discuss is the Local Law. The Town Board will be discussing it the 21st of May. Mr. Patella has some comments regarding the wooded area. I am more than happy to pass this information onto the Town Board.

Mr. Patella: My only input was in regard to the term “woody vegetation” so it cannot be misconstrued or misunderstood or questioned. I am afraid it is a little too vague as mature tress was.

A motion was made by Mr. Richard Barnhart and seconded by Mr. John Szarowski to send a memo to the Town Board with the concerns on the Local Law No. 1. Vote: All Ayes: 7, Abstain: 0, Absent: 0

ADJOURN MEETING:

A motion was made by Mr. John Szarowski and seconded by Mr. Sal Patella to adjourn meeting. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Next Regular Meeting to be held on Tuesday, June 2, 2026, at 7:00 PM.
Deadline for submission is Friday, May 15, 2026, at noon
Agenda is subject to change

Respectfully

Janice Stryker
Planning and Zoning Board Secretary