

Minutes of a **Special Meeting** held by the Town of Shawangunk Town Board, County of Ulster, State of New York at the Town Office Building, 14 Central Avenue, Wallkill, NY on the **6th day of August 2020 at 4:00 p.m.**

PRESENT were Deputy Supervisor Adrian DeWitt, Councilman Brian Amthor, Councilman Robert Miller, Councilman Matthew Watkins, and Town Clerk Jane Rascoe. Supervisor Valk was excused from the meeting. Also present was Assessor Curt Schoeberl, Planning Board Member Todd Widmark, Margaret Hillriegel, and Mr. & Mrs. Joe DeGrootd.

Deputy Supervisor DeWitt explained the purpose this meeting is being held is that the Town Board became aware that properties in the Town have applied to be included in an agricultural district. The Town was not given advance notification of this information and a recommendation must be submitted to the Ulster County Legislature prior to the Public Hearing, which is scheduled for August 11th. Deputy Supervisor DeWitt explained that since the information was supplied, there turns out to be only one application in the Town of Shawangunk which is by Joe DeGrootd on Christmas Tree Lane. The Town Board has the option to make a recommendation or not, to the County, but has no vote on the application. Deputy Supervisor DeWitt further explained that there have been previous issues that created drastic problems for residents and the Town Board when a property was included in an agricultural district without the knowledge of the Town Board. He stated that they want to avoid that ever being the case again. Since they became aware, it was decided to hold this meeting to review and discuss the application.

Deputy Supervisor DeWitt explained the background of the property which was owned by Mr. DeGrootd. A five lot residential cluster subdivision on Christmas Tree Lane was approved by the Planning Board with the intent to keep the Christmas tree farm intact. Mr. Dewitt explained that the regulations for agricultural districts fall under different guidelines where the Town has little jurisdiction if problems arise. The Town Board needs to decide if they agree that this property should be included in an agricultural district.

Mr. Joe DeGrootd explained that he researched the idea of applying to be in an agricultural district before going to Albany. Ulster County came out to the property, they walked it and took pictures. Since this property was always in an agricultural district prior to it being zoned RAG 4, New York State was in favor of it going back into a district. Ulster County Soil & Water Conservation was in support and Agri-Tourism was on board. Since the tree farm was struggling, he decided to apply.

Councilman Miller inquired as to what the difference is now with growing and selling Christmas trees then being in a designated agricultural district. Mr. DeGrootd stated that it may help on the tax side of things but mainly it is for the flexibility it gives. Mr. DeGrootd referred to the Town of Shawangunk Farmland Protection Plan that was passed by the Town Board to preserve farms. Councilman Miller questioned if there was something else besides trees being planned. Mr. DeGrootd stated that trees go hand and hand with farming. He explained that when he built the barn it brought people in. The public started to inquire about having events at the barn. He allowed people to do photo shoots on the property. It all ties in together. Councilman Miller explained the Town Board has concerns that this may be a way to bypass Town zoning regulations, it's not like planting corn and vegetables. The property,

which is residential, may become a commercial like endeavor. Mr. DeGroot explained that he plants between 700-900 trees each year. Councilman Miller inquired what the difference would be with tree planting, the same amount of money will be made. Mr. DeGroot stated that being in an agricultural district would give him more flexibility to get more people in to the farm. Councilman Amthor inquired how this would bring in more people. Mr. DeGroot explained going through agri-tourism gives him more options to promote the farm. He further explained that when people come out to the barn, they may come back to get trees.

Councilman Miller stated his final concern is that the venue can turn into a larger use than the residents can take. The potential to limit events and parties will be gone if it falls under an agricultural district. It will be a problem for the Town Board and the people who live there if it gets out of hand and the Town can't control or respond. He suggested going through the normal planning and zoning process which would protect future owners as well. Once a property gets designated, it is hard to get it back out of the district. Mr. DeGroot stated that he tried to go through zoning and planning and failed. Councilman Miller stated that the Town Board is held accountable through the Master Plan. Mr. DeGroot stated that the Farmland Protection Plan allows for this use in a cluster subdivision.

Margaret Hillriegel stated that in January there was a meeting at the barn with the Chairman of the Planning Board who advised that his hands were tied unless it was in an agricultural district. It was the Chairman's idea that is why they went that route and applied to be included in an agricultural district.

Deputy Supervisor DeWitt clarified that there are five lots, two are Mr. DeGroot's. One lot has the barn with an apartment and the other lot with his house. The request now is to change the barn into a venue, which is a big difference. The Public Hearing is being held next week and the Town Board needs to make a recommendation to the County. The Assessor was notified about this Public Hearing in a conversation and advised the Town Board. The Town did not receive notification, which is not the first time this has happened. What needs to be decided tonight is, does the Town Board want to make a recommendation or not.

Councilman Watkins inquired if Mr. DeGroot was willing to hold off until next year. Mr. DeGroot stated that he filed in the beginning of this year, the barn was built over a year ago and the apartment was required. After the barn was built, it evolved on its own, they got married there and held some charity events in the barn. He was looking for ways to help preserve the farm. Mr. Watkins pointed out that the parameters have changed. Mrs. DeGroot explained that they love the tree farm, every year there is less and less business. They have been looking for ways to keep customers coming back, they were thinking outside of the box. They could support local vendors by having them at barn, the public wanted to hold events there, the hope would be that they would come back for a tree. This was their way of thinking they could save the farm. They do not wish for it to be a huge venue. Councilman Watkins stated that the concern of the Town Board is for the future. Mr. DeGroot stated that this was put out there to the community who were very supportive.

Deputy Supervisor DeWitt referred to a letter from Mr. DeGroot at the time of the subdivision. The letter from 2006 states that the Tree Farm would be open the Saturday after Thanksgiving through