

Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Town Office Building, 14 Central Avenue, Wallkill, New York, on the 5<sup>th</sup> day of April, 2022.

Those present were: Mark Watkins, Chair  
Patricia Turner  
Todd Widmark  
Richard Barnhart, Vice Chair  
Sal Patella  
John Szarowski  
Vacancy



Absent: None. Also, present were Richard Hoyt, Esq., Bonnie Franson, AICP CEP, PP., Supervisor John Valk, Jr., Councilman Alex Danon and please see sign-in sheet.

Meeting location: Town Hall, 14 Central Avenue, Wallkill

Open Regular Meeting: 7:00 pm

Emergency Exits Announcement

Moment of Silence – Pledge of Allegiance:

Approval of Minutes of March 1, 2022

A motion was made by Todd Widmark, seconded by Sal Patella to approve the March 1, 2022.

Vote: All Ayes. Absent: None. One Vacancy: Abstain: None.

**PUBLIC HEARING:** There are no new hearings.

**CONTINUATION PUBLIC HEARINGS:**

**Magruder Solar, LLC:**(107.3-1-1.100 (access) & 107.3-1-3.110 (site) Proposed Large Scale Solar Energy System at 643 Plains Road on 54+/-acres (20 acres of panels) located in the RAG-2 District, Aquifer Overlay District and Wallkill Central School District. Representatives CS Energy, Matt Tripoli, Gregory Samilo and Michael Moriello, Esq. were present before the Board.

The following items were entered into record: Letter stamped received March 29, 2022 from Gerald Wager, 2310 Route 300 and letter dated April 4, 2022 from Dennis Larios, PE.

Mr. Tripoli discussed the drainage updates with the Board and he met with Mr. Wager to discuss his concerns. Mr. Wager's letter was provided to Mr. Tripoli.

Mr. Watkins said we started to draft the SEQRA Negative Declaration; however, we found an issue with the SWPPP and asked Mr. Szarowski to discuss this item.

Mr. Szarowski said he went through the SWPPP, the stormwater model used for the grading; the curve never changes or the time of water concentration. At D2 & D3 you need to look at that.

Mr. Szarowski said at D3 the water is directed to go towards Mr. Wager's house. He said D1 shows the water going towards the wetland. He asked if D2 water is being directed to the NYC Aqueduct?

Mr. Szarowski asked why are you grading twenty (20) acres; that Ulster County Planning Board noted that as a concern.

**Magruder cont.**

Mr. Szarowski said the drainage at D3 is going towards Mr. Wager's property; and is an issue and needs to be looked at.

Ms. Franson said there are some clean up items and will send them to them; such as the number of acres doesn't add up for the leased area in the SWPPP are not consistent and need to be gone through and cleaned up. Also, to show the net lot area calculations; #5 straightened up and provide the signed NYSDEC map and ACOE permit.

Mr. Watkins asked if there were any comments from the Board or audience?

Mr. Widmark said I would like to discuss what was said at last month's meeting; I asked where the solar panels were being made, that we want to keep the money in the United States and you responded you're buying the panels in South Korea; that there aren't many companies in the United States that make high end panel which are costly. This whole green deal, a lot of taxpayer dollars are going in this green new deal; you said you'll be using local unions which is a good thing. I want to tell you that there are a number of companies in the United States that make panels and why wouldn't you want to use more advanced panels?

Mr. Tripoli said those companies are more for the homeowner than making commercial panels; this is more of taxed scale project.

Mr. Hoyt asked for a status update with the New York City DEP?

Mr. Samilo said they received notification last month, the DEP permit gets issued closer to construction.

Ms. Franson asked for a status update for the NYSDEC permit?

Mr. Tripoli said Colliers, their engineers is working on it and said perhaps later in the month.

Ms. Franson asked can you clarify you said Colliers is working on what? The design for the road or the permit?

Mr. Tripoli said design of the 20-foot road.

Mr. Barnhart asked can any of you speak to the marketing end for signing up for solar? Will local residents have first opportunity to sign up?

Mr. Tripoli said there are a number of ways for marketing this; we are working with a third party. It will be available first to residents that are Central Hudson customers. Central Hudson has their own website that is not ours to address.

Mr. Moriello asked if the Board wants to close the public hearing.

Mr. Watkins said no we don't want to close the public hearing; we will continue it to the May 3, 2022 meeting.

A motion was made by Sal Patella, seconded by Todd Widmark to continue the Magruder Solar, LLC Public Hearing to May 3, 2022 at 7:00 pm or soon thereafter. Vote: Sal Patella, aye, Richard Barnhart, aye, Todd Widmark, aye, Patricia Turner, aye, John Szarowski, aye, Mark Watkins, Aye. Vote: All Ayes. Absent: None. One Vacancy. Abstain: None.

**Mako Homes:**(106.1-3-31) Proposed 8 Lot Cluster Subdivision of 32.4+-acre parcel located on Malloy Road and Albany Post Road in R-AG4 District in Wallkill Central School District. Mark Brissette and Lawrence Marshall, PE was present before the Board.

The following items were entered into record: Two-emails dated March 24, 2022 from Lawrence Marshall, PE to Planning Board, emails dated March 24<sup>th</sup> and 25<sup>th</sup> 2002 between Lawrence Marshall, PE and Nathan Ermer, NYSDEC and letter dated March 25, 2022 from Nathan Ermer, Region 3 Wildlife Program Manager, New York State Department of Environmental Conservation Division of Fish and Wildlife.

Mr. Marshall said the NYSDEC issued their letter dated March 25, 2022 with the Conservation Easements that were presented to them; and will update the appropriate notes to the plans.

Mr. Marshall said I personally received a call from Kelly Turturro, Region 3 Director, who promised immediate changes for projects; that this project is not under their jurisdiction which doesn't help Mr. Brissette with the amount of time and money spent.

Mr. Watkins asked Mr. Marshall to clarify what the DEC March 25, 2022 letter means to the Mako and Dezemo properties.

Mr. Marshall said the seven restrictions will remain which includes the time restriction:

- The activities below are subject to time restrictions and not permitted between November 1 and March 31.
- Initial site clearing and grading
- Well drilling
- Major excavation including basement/foundation excavation and septic installation
- Foundation Construction
- Exterior framing
- Sheathing installation

Mr. Marshall said in addition, the Conservation Easements for Dezemo (for 30 years) and Mako (in perpetuity) will remain. Mr. Hoyt and I have spent a lot of time on these Conservation Easements.

Mr. Barnhart said are you sure its 30-years? He said I see 40-years in perpetuity – what is the NYSDEC definition for perpetuity?

Mr. Marshall said the 40-year is an error; the area will remain Northern Harrier habitat, typically life span of 15-years; DEC wanted twice that amount 30-years.

Mr. Patella asked for clarification that after the 30-years will it revert back to the Town's Conservation Easement in perpetuity?

Mr. Hoyt said the Town's standard farm easement allows farming cultivation or brush hogged annually.

Mr. Marshall said this Conservation Easement has it that you have to do something with the land.

Mr. Barnhart said I still believe it is not fair for the Town of Shawangunk to have to enforce this.

Mr. Hoyt said the DEC will be the enforcement on the Dezemo, the Town doesn't want to assume that burden.

Mr. Watkins asked if there were any additional comments from the Board or audience?

**Mako Homes cont.**

Mr. Watkins said on file are the Draft SEQRA Resolution and Negative Declaration and Draft Preliminary Major Subdivision Resolution both dated November 4, 2020 prepared by Ms. Franson.

Mr. Watkins requested Mr. Marshall to submit updated revised subdivision plats be and asked Ms. Franson to update the 2020 Mako Homes documents for the May 3, 2022 meeting.

A motion was made by Sal Patella, seconded by John Szarowski to continue the Mako Homes Public Hearing to May 3, 2022 at 7:00 pm or soon thereafter. Vote: Sal Patella, aye, Richard Barnhart, aye, Todd Widmark, aye, Patricia Turner, aye, John Szarowski, aye, Mark Watkins, Aye. Vote: All Ayes. Absent: None. One Vacancy. Abstain: None.

**FORMAL SITE PLAN REVIEW:**

**Bona Ventura, LLC:**(106.49-1-20) Proposed Hardware Store to be located at 4 Bona Ventura Ave., in the Small Business District and Wallkill Central School District. Michael Beck and Joe Russek were present before the Board.

The following items were entered into record: Email dated March 18, 2022 from Michael Beck with attached Site Plan for 4 Bona Ventura Wallkill, LLC dated 3/17/22.

Todd Widmark has business dealings with the applicant and recused himself from review of the project.

Mr. Russek said we are before the Board trying to repurpose the former Ford garage into a 5907.24 SF hardware store – Beck's Hardware.

Mr. Watkins said yes and we have been trying to work with the applicant to submit the items needed for Site Plan review to get it to a complete application. The Planner's March 1, 2022 comments were emailed; this is on a state road and requires Ulster County Planning Board GML review.

Ms. Turner asked for clarification on the Site Plan dated 3/17/22; it doesn't show in/out traffic flow pattern or delivery truck flow.

Mr. Patella asked where will deliveries come into the building?

Mr. Russek there are two (2) or three (3) existing road cuts to access the property. We will clear up the plan. Trucks will come off Route 208.

Mr. Watkins said from his discussion with Mr. Beck, the delivery truck will access Route 208 below and drive up the hill between Millspaugh Funeral Home and Becks fence.

Mr. Beck said facing the building; all truck deliveries will be on the left side and parking on the right side; we will be placing directional signage on the pavement.

Ms. Turner said a written narrative would be helpful; that is a steep hill is it less than 14%? What lighting on the exterior will be used; define what is going to be new gravel parking, etc.

Mr. Watkins said we don't use 14% grade, Shawangunk requires 12% grade or less.

Mr. Barnhart asked who owns the trees between the property?

Mr. Russek said the trees are on their property.

**Bona Ventura, LLC cont.**

Mr. Barnhart said then the trees can be trimmed or remove up front to increase sight distance issues if any.

Mr. Russek said they will be trimming the trees and the first few near Bona Ventura would be removed to improve sight distance.

Mr. Barnhart said this is a good business, we should do everything we can do to bring business to the town.

Mr. Watkins asked Ms. Franson to discuss her comments.

Mr. Russek said we don't need to go through all the comments.

Mr. Watkins said the narrative needs to be revised; include items discussed above with Ms. Turner's comments; the narrative needs to have days/hours of operation, traffic patterns, number of employees, regular and seasonal.

Ms. Franson said if outdoor storage is proposed it should be indicated in the narrative and the site plan should show what they want.

Ms. Franson said the property slopes down to Route 208, there is a concern for room for parking; a barrier could be added. Parking spaces are 10x20 or 10x18 with wheel stops. Also, be aware of the Floodplain area. Will the fencing remain?

Ms. Turner asked for the size of the handicap parking spaces be checked for current size requirements.

Mr. Watkins said SEQRA review is not required, however, an overview of SEQRA should be looked at.

Ms. Franson said from a SEQRA perspective she defers to the Town Attorney.

Mr. Russek said he will address the parking space concerns.

Mr. Russek said we currently mapping out ownership and opening up the fence, our goal is to leave the fence.

Ms. Franson asked for the sign regulations be reviewed for where ever they are proposing a sign; its all about adding the details to the site plan.

Mr. Watkins asked what the colors of the building is being proposed; that the Board prefers neutral colors.

Mr. Russek said battenboard tan, white building with black trim; he submitted three (3) photos to the Board, that were stamped received April 5, 2022 by the Planning Board.

The three (3) photos were shown to the Planning Board.

Mr. Watkins asked the Planning Board if they were okay with and agreed to these colors?

The Planning Board said they were good with the colors.

Ms. Franson asked if the existing windows will remain or be replaced?

**Bona Ventura, LLC cont**

Mr. Beck said the front windows stay; the back will be changed; the side will be the way you see it today.

Mr. Hoyt asked for clarification on the square footage; do you believe the 5900SF to be correct?

Mr. Beck said yes, we are using the garage space towards the footprint.

Mr. Watkins said please get submit your updated narrative and site plan to the office as soon as possible; in order to send it to Ulster County Planning for GML review. The County Planning meets the day after we do; the sooner you provide the information the sooner we can meet County Planning Board's deadline too.

**APPEARANCES:**

**Robert Stap:**(105.2-1-37.300) Extension request for Conditional Final Approval conditions for approved Two Lot Subdivision of 50.6+/-acres with existing sand/gravel mine located off Greising Road in the RAG-4 District and Wallkill Central School District.

The following items were entered into record: Letter dated March 15, 2021 – received March 16, 2022 from Ryan Smithem, E.I.T. / MNTM; Ulster County Department of Health permits, Recreation fee and Common Driveway Easement and Maintenance Covenant.

Mr. Hoyt has recused himself, as he works for the family.

Mr. Watkins said a brief extension of Conditional Final Approval conditions is needed; the conditions have been completed and the maps will be signed and released for filing the maps and legal documents in Kingston with the Ulster County Clerk's office.

Mr. Watkins said the Board can grant a 63-day extension for Conditional Final Approval to Tuesday, June 7, 2022 meeting with the additional legal language for extension.

The Board agreed to extend to Tuesday, June 7, 2022 Planning Board meeting and said to include the required standard language and legal language.

A motion was made by Todd Widmark, seconded by Richard Barnhart to grant a 63-day extension to Tuesday, June 7, 2022 for Conditional Final Approval for Lands of Robert & Stacey Stap Final Minor Subdivision subject to all conditions noted in the Filed Final Minor Subdivision Plat Approval Resolution for 2-Lots granted by the Planning Board on November 3, 2021 with Schedule A – Conditions for Final Subdivision Plat Approval 1 through 14. Vote: Sal Patella, aye, Richard Barnhart, aye, Todd Widmark, aye, Patricia Turner, aye, John Szarowski, aye, Mark Watkins, aye. Vote: All Ayes. Absent: None. One Vacancy: Abstain: None.

**Lewis Donnelly:**(106.004-1-6.200) Proposed Special Use with Site Plan for Conceptual multi-family development plan on 25.797+/-acres with municipal water - sewer, located in the Hamlet (H-1) District, Borden Home Farm Historic Overlay (BH-O), portion of Aquifer Overlay District (AQ-O) and Wallkill Central School District. Lewis Donnelly and Lawrence Marshall, PE were present before the Board.

The following items were entered into record: Letter dated March 11, 2022 from Lawrence Marshall, PE with attached The Eagle's Roost Site Plan last revised 3/11/22 and Cross Sections for Eagle's Roost last revised 3/11/22; email dated March 9, 2022 from Michael Croce, WFD Commissioner, Shawangunk Highway NOI response, memorandum dated April 1, 2022 from Bonnie Franson, AICP CEP, PP. and letter dated April 4, 2022 from Dennis Larios, PE.

**Donnelly cont.**

A lengthy discussion of conducting a balloon test for photos to be taken for the maximum height of the buildings proposed in order to complete the visual assessment for SEQRA was held. An attempt was done and delayed due to weather / wind prior to this meeting.

Mr. Watkins said we need to notify the public of the balloon test; when do you think it will be done?

Mr. Marshall said we have been discussing the visual for some time, why is it now a requirement; it's not a legal requirement.

The Planning Board discussed where posting should be done for this balloon test to take photos for the SEQRA visual assessment to be completed by the applicant. Suggestions made on the Town's website, residents on Buena Vista Ave, local paper, Town's Facebook page, local shops, senior building.

The Board was polled 4 to 2 to post the balloon test notification locally, Town's Website and Facebook Page.

Ms. Franson said to provide a narrative for explanation for the public. The Board agreed.

Mr. Marshall said they will fly 5-6 balloons at or near the general center of each proposed building; they will put 2 balloons on each end of the senior building and will provide a narrative.

Mr. Watkins said the applicant was provided the Town Engineer that are to be addressed.

Mr. Watkins asked Ms. Franson to discuss her April 1, 2022 comments to be addressed.

Ms. Franson discussed her April 1, 2022 comments; and said we have provided general comments, but have not added any detailed comments as the plan is still conceptual, pending a submission that addresses the BH-O standards:

**Comments**

1. Special uses. The applicant is proposing two special uses: senior housing, and multifamily development. Special use applications were received in February 2022.
2. BH-O zone. It has been determined that the site is in the BH-O zone, and the BH-O standards apply. As noted in our previous memos, the following standards need to be addressed when a project is in the BH-O zone. The intent of the regulations was to mimic "traditional settlement patterns." Requirements include but are not limited to:
  - parking is to be screened and located to the rear or side of buildings.
  - architecture must be consistent with the character of other buildings in the core farm, Wallkill hamlet, or similar rural and hamlet architecture in the area.
  - street pattern is to be gridded unless waived by the Planning Board.
  - buildings shall not protrude above ridgelines and trees.
  - buildings shall not exceed a 7,500 square foot footprint.
  - 50 percent of the support land must be preserved by conservation easement.
3. Scale of buildings. As noted previously, the footprint of the buildings should be indicated - specifically indicate the square footage on the plan is the "footprint". Five (5) of the buildings on the site require an area variance, the largest being the senior housing building, with a footprint of 20,749 square feet.

**Donnelly cont.**

As a general comment, an alternative design for the senior building should be considered to break up the massing, so that it appears as two buildings, a single building with two lower wings, even if it is still joined, e.g., a one-story foyer linking the two sides of the buildings could be provided. The scale and height of the building is inconsistent with the intent of this zoning district, which only allows a 7,500 square foot footprint. Breaking up the massing would be beneficial.

Ms. Turner said the design could be reoriented.

Mr. Donnelly said once the footprint for all the buildings has been okayed; then the design can be worked on.

Mr. Watkins said the least number of variances should be sought.

4. Senior building. The senior building is approximately 283 feet long, compared with the existing senior housing development where the maximum length of the building is about 173 feet. This is in part because the Applicant has chosen to construct one long linear building. It cannot be determined what the full effect of the building and its height will be, as grading plans have yet to be submitted. Will this be in a cut or fill condition, especially along the northerly façade?

The cross sections demonstrate that the building will be readily visible from the rear yards of the lots fronting to Buena Vista Avenue. Further, because the building is 3 stories high, it will affect privacy of those properties. While the parking area has been flipped to avoid noise from vehicles in the parking area, the potential for noise still exists from balconies. The Applicant has not yet provided a design for the building as reconfigured.

If the Planning Board allows this long, 3-story building to be situated in this location, it should consider requiring the construction of a landscaped berm with sufficient height between the building and the rear of the dwellings. This would provide height to the plantings installed on the project site. If the berm were tall, e.g., 5 feet, we question whether it would be better to have the parking north of the building, as a sufficiently tall berm with landscaping and fencing may effectively block or muffle noise and moving the senior building would provide privacy.

Also, the landscaping provided on the plan should be considered illustrative for purposes of showing the cross section. A single line of evergreens is not sufficient to screen the rear yards of these dwellings – a generous landscape buffer with a mix of deciduous and coniferous landscaping, supplemented with shrubs and other ground covers, should be provided.

Ms. Franson a large berm should be discussed for the 3-story building.

Mr. Marshall said behind the Buena Vista Ave homes is significantly wet, we have been able to design a drainage swale to gather the water. By doing this structure on the parcel may help the drainage on the neighboring properties; but I'm not promising it, it may happen.

5. Fire department review. A response has been provided from the fire department. The applicant should discuss whether it addresses the comment regarding access around the building for Building E.

Mr. Marshall said he spoke with Mike Croce, WFD Commissioner; and will look into the request.

Mr. Watkins said the office received an email from Commissioner Croce; email stated: "I had spoken to Larry Marshall about the proposed Eagles Roost project. We told him we would like some type of all-around access or a bigger parking lot by building E. We do not like the dead end to that building." Mr. Watkins asked for the email to be put on WFD letterhead for the record.

**Donnelly cont.**

6. Floor plans. As the project is advanced, floor plans will need to be submitted to ensure that the size of the dwellings meet the requirements of Section 177-29. F of the Town Zoning Law.
7. Districts. The BH-O and AQ-O need to be added as references on the site plan and any standards met. This has still not been done.
8. Driveway. The length of the private dead-end driveway needs to be noted on the plans – the lengths were provided in the transmittal response – still not provided.
9. LOD. Limits of disturbance need to be shown on the plans, and the amount of disturbance calculated in future plans, once a concept plan is advanced.

**SEQRA Comments**

1. Classification of action. The Planning Board determined that this would be classified a Type I action. The Planning Board circulated its Notice of Intent to Be Lead Agency. The 30-day time period may not yet have lapsed, so the Planning Board may not be able to assume Lead Agency status until the May meeting.

As Lead Agency, the Planning Board must assess whether it will issue a Positive Declaration, i.e., an environmental impact statement will be prepared, or if it will be seeking additional studies as part of an expanded EAF (which would lead to a Negative Declaration). A Full EAF Part 2 should be reviewed at such time the Board is ready. When determining significance, the following applies:

*"To determine whether a proposed Type I or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision. The following list is illustrative, not exhaustive. These criteria are considered indicators of significant adverse impacts on the environment:*

- (i) *a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;*
- (ii) *the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;*
- (iii) *the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;*
- (iv) *the creation of a material conflict with a community's current plans or goals as officially approved or adopted;*
- (v) *the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;*
- (vi) *a major change in the use of either the quantity or type of energy;*
- (vii) *the creation of a hazard to human health;*
- (viii) *a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;*
- (ix) *the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;*
- (x) *the creation of a material demand for other actions that would result in one of the above consequences;*

**Donnelly cont.**

- (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
- (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.”

Mr. Marshall said we would prefer do an Expanded EAF Part III; rather than a Positive Declaration.

Mr. Hoyt discussed the Notice of Intent (NOI) and said the Board should do Lead Agency status at the May 3, 2022 Planning Board meeting. Mr. Hoyt said if the Planning Board is leaning towards rendering a Positive Declaration on the project; it should determine that sooner rather than later.

Mr. Szarowski asked if the Board has all of the topics the Board should consider impacts?

Ms. Franson said impacts are traffic, community character, buffer areas (not wetlands), drainage, visual and services.

2. Archaeology. The proposed project will need to be circulated to the NYS Historic Preservation Office to determine whether the Area of Potential Effect (APE) in the previous study captures all the disturbance areas for this project. As this project has not been fully detailed, that determination cannot be made yet. Figure 2 is missing from the submission, which showed the shovel test locations. Please provide to determine whether the shovel tests were done in all locations where disturbances will occur with the current plan.
3. Visual resources. The project is likely to be visible from a variety of sensitive vantage points. It needs to be reviewed for its visibility and design early in the process. What is status of analysis? Vegetation is starting to bud.

Mr. Marshall said he will email the office on the potential dates / times for the balloon test; weather permitting.

Mr. Marshall asked Ms. Franson for guidance for the balloon test photo parameters.

Ms. Franson recommended a link for Planner, George Janes for him to investigate.

4. NYSDEC wetlands. The buildings and parking are encroaching upon the wetland buffer. We do not know that the NYSDEC will permit this extent of encroachment for this new application. The applicant is to coordinate with the agency. Has there been any communications?

Mr. Watkins said he would like to discuss the applicant submitting to the Zoning Board of Appeals.

Mr. Watkins said the applicant should request the least number of variances, not the greatest number of variances.

Mr. Donnelly said they will shrink all of the building sizes except for the senior building so not to need variances.

Mr. Marshall said this is to be a private facility.

**Donnelly cont.**

Ms. Turner asked for the applicant to define what is considered to be the front of each building.

A lengthy discussion was held for the front of the buildings to be defined for location and placement of parking lots being in the BH-Overlay.

Mr. Patella asked if shifting the senior building could be possible?

Ms. Turner asked if there is an excess of parking at the senior building?

Mr. Marshall said the parking shown is as per the Code.

Lengthy discussion was held on the amount of parking required, how many additional spaces could be considered to not be too much, but enough parking spaces for the complex.

Mr. Marshall said they will be back next month to discuss the Draft Environmental Impact Statement, photographs and balloon test with the Board.

The application remains incomplete.

**Albert and Kim Dodd (99.2-1-38)** Proposed Two Lot Subdivision of 7.266+/-acres located at 2680 New Prospect Road in the R-AG2 District in the Pine Bush Central School District. Albert & Kim Dodd, Kelly (Dodd) & Charles (CJ) Watson and Margaret Hillriegel, LS were present before the Board.

The following items were entered into record: Applicant's emailed submission to Brian Orzel, Project Manager, Civil Engineer, NY District United States Army Corps of Engineers (ACOE) with attachments; letter dated March 16, 2022 from Margaret Hillriegel, LS with Sheet 1 of the 2-Lot Subdivision for lands of Albert F. Dodd and Kim E. Dodd last revised 3/11/22; memorandum dated April 1, 2022 from Bonnie Franson, AICP CEP, PP and letter dated April 4, 2022 from Dennis Larios, PE.

Mr. Watkins said the Town Engineer April 4, 2022 comments were email to the applicant; Mr. Larios recommends the culvert size (diameter) be included on the plan and that the culvert type be changed from CMP to HDPE (ADS N-12 or equivalent).

Mr. Watkins said the Town Planner April 1, 2022 comments were emailed to the applicant.

Mr. Watkins read through Ms. Fransons' comments:

**General and Minor Subdivision Comments**

1. Public hearing. A minor subdivision application requires a public hearing. This still needs to be scheduled.
2. Cluster subdivision. Unless waived by the Planning Board, a cluster subdivision plan must be submitted. This has not yet been waived, pending review of the subdivision.
3. Flag lot. Lot 2 is a flag lot and must comply with Section 177-12I of the Zoning Law. Based on that section, the following still needs to be addressed:
  - a. The applicant shall demonstrate that the proposed interior lots will, through the use of conservation easements or other legally binding restrictions, preserve important natural resource and landscape features, including but not limited to wetlands, agricultural land, scenic views, and ridgelines. **This needs to be discussed.** Is the buffer satisfactory? Should it be provided on both lots in the subdivision?

**Dodd cont.**

4. Recreation fee. A fee in lieu of recreation will be required for the new lot.
5. A road maintenance agreement will be reviewed by the Town Attorney.

Ms. Hillriegel said they will add the 50' foot buffer around the wetland, as recommended by the Town EMC in letter dated February 19, 2022.

Ms. Hillriegel said they will address the Town Engineer's comment.

Ms. Hillriegel asked for the Board to waive the cluster subdivision plan requirement and schedule the public hearing.

A motion was made by Richard Barnhart, seconded by John Szarowski to waive the cluster subdivision plan requirement for the Dodd Two Lot Subdivision. Vote: All Ayes. Absent: None. One Vacancy: Abstain: None.

Mr. Watkins said Sheet 2 with the driveway detail was asked for and wasn't attached; he said he is concerned for the driveway design for heavy trucks and equipment and it should be looked at.

Ms. Hillriegel said I didn't submit it as there were no changes to Sheet 2 and fabric is shown.

A motion was made by Richard Barnhart, seconded by Todd Widmark to schedule a Public Hearing for the Dodd Two Lot Subdivision for May 3, 2022 at 7:00 pm or soon thereafter.  
Vote: All Ayes. Absent: None. One Vacancy: Abstain: None.

The applicant is to revised the plans as discussed and stated above and resubmit by the May 3, 2022 deadline of Friday, April 15, 2022 by noon.

**Michael / Tiffani Baker:**(91.4-1-24.100) Proposed Two Lot Subdivision of 33.90+/-acres with existing dwelling at 525 Upper Mountain Road in the RS-1 District and Pine Bush School District. Michael Baker and John Nosek, PE were present before the Board.

The following items were entered into record: Applicant's submission stamped received March 17, 2022 with Sketch Plan 2 Lot Subdivision Plan for Baker dated February 22, 2022; memorandum dated April 1, 2022 from Bonnie Franson, AICP CEP, PP and letter dated April 4, 2022 from Dennis Larios, PE.

Mr. Nosek said we received the comments from the Town Consultants; we don't need to discuss them in detail. We've just provided a sketch and before we go further, we need to know if the lot can be subdivided. He said there is plenty of frontage and acreage in order to create a two-lot layout.

Mr. Watkins said flag lots are not permitted within the Ridge Stewardship Districts.

Ms. Franson said you can do a cluster subdivision, but not sure it can be designed as a flag lot; she discussed the cluster regulations; a conservation easement would need to be placed.

Mr. Nosek said we have no problem with providing that.

Mr. Hoyt said minimum lot area net calculations rule (§ 177-11) is to be added and a cluster subdivision would be referred to the Town Board to approve the cluster layout.

**Baker cont.**

Mr. Hoyt said I see on the location map that the rear of the parcel is existing protected open space by Open Space Institute and Palisades Park Commission.

Mr. Nosek said we will review the code for the cluster and decide our next step.

The application remains incomplete.

**DISCUSSIONS:**

**Winter Wonderland, Realty LLC:**(99.3-2-14.13) Potential Revocation of Preliminary Approval of 8-Lot Cluster Subdivision of 53.847+/-acres with proposed town road on New Prospect Rd and Cooper Road in RAG-2 District and PBCSD.

Resolution of the Planning Board of the Town of Shawangunk, Ulster County, NY regarding the Winter Wonderland Realty Subdivision was entered into record.

No one appeared before the Board and nothing new has been submitted.

Mr. Watkins asked Mr. Hoyt to read into record the Planning Board Resolution to revoke Winter Wonderland Realty, LLC Preliminary Approval 8-lot Cluster Subdivision.

**RESOLUTION OF THE PLANNING BOARD  
OF THE TOWN OF SHAWANGUNK, ULSTER COUNTY, NY  
REGARDING THE WINTER WONDERLAND REALTY SUBDIVISION**

At a regular, duly noticed meeting of the Planning Board of the Town of Shawangunk held at the Town Hall, Central Ave., Wallkill, NY on the 5<sup>th</sup> day of April, 2022 at 7 p.m., the following Resolution was moved by Member Barnhart, seconded by Member Widmark and the following voting in favor Member Patella, aye, Member Barnhart, aye, Member Widmark, aye, Member Turner, aye, Member Szarowski, aye, Member Watkins, aye, and the following voting in opposition o and the following were absent o, (one vacancy) the Resolution was declared adopted.

WHEREAS, the following findings of fact hereby are determined:

1. On April 3, 2007 the Planning Board granted preliminary subdivision approval to this eight (8) lot clustered single-family subdivision with new Town highway. The parcel is 53.8 acres, is known as Section 99.3 Block 2 Lot 14.13 and is located generally on the south side of New Prospect and Cooper Roads in the Town.
2. The various conditions for the submittal of the final subdivision application are set forth as Schedule A of the Preliminary subdivision approval resolution dated April 3, 2007.
3. For the past fifteen (15) years the preliminary approval has remained in effect.
4. The NYS Town Law at Section 276(5)h requires that the owner must submit the subdivision plat in final form within six (6) months of the approval of the preliminary plat. Section 276(5)h further authorizes the Planning Board to revoke the preliminary approval if more than six (6) months have elapsed.

Regular Minutes  
Page Fourteen  
April 5, 2022

**Winter Wonderland, LLC cont.**

5. In multiple prior letters, the Planning Board has notified the owner that it needs to pursue a final subdivision approval on this application or the Planning Board will consider a revocation of the preliminary approval.
6. The last of the many letters to the owner, dated 11/1/21, advised him that this would be his last extension and that unless the final subdivision application meeting all of the conditions is filed before April 5, 2022, the Planning Board plans to revoke the preliminary approval at its April 5, 2022 regular meeting.
7. The applicant acknowledged receipt of the 11/1/21 letter and advised that he planned to submit a letter formally withdrawing the application.
8. Nothing further has been received.

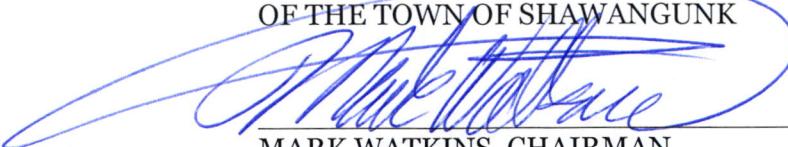
NOW THEREFORE it is RESOLVED that the Preliminary Subdivision approval dated April 3, 2007 be and hereby is revoked and be it further;

RESOLVED that at any time the owner desires to do so, it may submit a new land use application for any subdivision authorized per the Zoning Laws and Subdivision Regulations in effect at that time in the Town.

A copy of this Resolution shall be filed with the Town Clerk and also sent to the owner.

Dated: April 5, 2022  
Wallkill, NY

BY THE ORDER OF THE PLANNING BOARD  
OF THE TOWN OF SHAWANGUNK

  
MARK WATKINS, CHAIRMAN

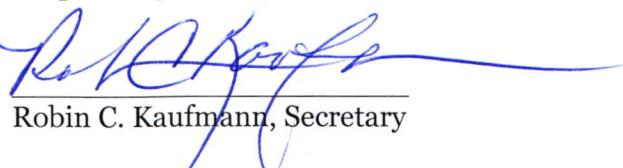
**CORRESPONDENCE:** No new correspondence was received.

Next Regular Meeting to be held on "**Tuesday, May 3, 2022**"

Dead line for submission is "**Friday April 15, 2022** at noon.

**ADJOURNMENT:** A motion was made to adjourn the meeting by John Szarowski, seconded by Todd Widmark. Vote: All Ayes. Absent: None. One Vacancy: Abstain: None. The meeting was adjourned at 9:30 pm.

Respectfully submitted,

  
Robin C. Kaufmann, Secretary