



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 Tuesday, 6th day of February 2024.

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

Also present: Bonnie Franson, AICP CEP, PP of Nelson, Pope Voorhis; Alex Danon, Town Councilman; Joe LoCicero, Town Councilman, Rich Blazeski, Town Highway Superintendent, John Calaca, Building Inspector. Please see 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 January 2, 2024

A first motion was made by Rich Barnhart and seconded by Todd Widmark to approve the Meeting Minutes of January 2, 2024. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0.

PUBLIC HEARING:

CONTINUATION OF PUBLIC HEARING:

APPEARANCES:

Mr. Joseph Russek - Third Generation Homes (Applicant No. 2023-14):

SBL: 104.1-3-27, 2.3 acres, Address: Corner of Weed Road and NYS Route 52 in Walker Valley, Commercial Site Plan 4,800 sq. ft. with three businesses and two residential bungalows. Property Class: Vacant, SB (Small Business), Pine Bush School District, Walker Valley Fire Company

Entered into record: Updated Proposed project drawing/sketch of buildings and materials, and 8 x 11 map dated January 16, 2024. Memorandum dated February 5, 2024 by Ms. Bonnie Branson, AICP CEP, PP of Nelson Pope & Voorhis. Memorandum dated February 5, 2024 from Rich Hoyt, Esq.

Mr. Russek was accompanied with his partners: Mr. Steve Green, Land Surveyor and Joaquin Rodriquez, Business Partner

Ms. Franson stated I will read through my comments and the other set from Mr. Hoyt, Esq. mirrors my information. Mr. Russek can ask questions as we go through the comments.

Discussion on Special Use Permits for Restaurant and Residential Use:

Ms. Franson stated the first section we update the description of what you are doing. It looks like you went from a 4,200 sq. ft. commercial building footprint and you have proposed apartments. The apartments appear to have an 800 sq. ft. footprint. Your thoughts may have been that you could not go over 5,000 sq. ft. total. It is 5,000 sq. ft. for a commercial building and the town houses are a separate use. You can still have a 5,000 sq. ft. building and the multi-family town houses do not have to live in that 5,000 sq. ft. footprint. That is a separate use. This maybe helpful because those units were very narrow and that is what you were looking to achieve. Mr. Russek thought that was part of the total.

Mr. Watkins stated he disagrees that it can be over 5,000 sq. ft. Ms. Franson stated it is something we need to look into. Mr. Watkins understands it needs to be looked into but does not agree it can be over 5,000 sq. ft. without going to a different level. Ms. Franson stated there is a Special Use Permit for some of things that have to be done. Mr. Watkins stated there is a lot more stuff that has to be done. Mr. Russek's stated we have just under 5,000 sq. ft. for both and filled out the application for a special use permit because we were unsure at the time what was needed. If this all worked out in one piece and kept it the way it was, then we are, to Mark's point, still 5,000 sq. ft., there is still more. Ms. Franson stated you still have to make an appearance before the ZBA for other matters so they can take a look and determine whether you need one for that as well.

Dwelling / Water and Sewer / Density:

Dwelling multiple-family uses are allowed by special use permit. It is three or more residences. When you land on whatever it is you want to do, you have to submit a special use permit application. Mr. Russek stated we did when we first started. Ms. Franson stated when you submitted the special use application for just commercial, you have to make sure it is updated to reflect you are asking for multi-family or if you are going back to the bungalow concept. Whatever it is, you have to fill that out. Mr. Russek agreed. Ms. Franson stated if you go into that multiple dwelling section, there are different requirements that apply and there is a size per different types of apartments depending on the number of bedrooms. Ms. Franson stated to take a look at that and see if you fit into those requirements. It is suggesting you might need to go larger with them.

Ms. Franson stated minimum lot area is where we get into this issue of a variance because you are in an area that is not supplied with central water and central sewer. The density requirements are you get fewer units per acre, and as a result that is triggering a variance because of the density. The zoning had been updated for multi-family because it had an issue, but it really took care of things where there is central water and central sewer so it did not help you because of the requirements for the larger lot sizes. This information is found under Section 3 – Dwellings in Ms. Franson's documented comments. Ms. Franson stated when you get to look at the multiple dwelling make sure you look at 177-29F, which regulates their design.

Mr. Russek stated a couple of years ago we proposed a strip mall project and the commercial, seemingly, allowed to work but the density came back to the apartments. Ms. Franson stated yes and it is the same issue. Mr. Russek stated okay. Ms. Franson stated part of that issue was addressed again and part of that is the variance. This is a determination by the Building Inspector and if you need to go, you go to the Zoning Board of Appeals.

Restaurants and Residentials:

Ms. Franson stated you did change your application in the event that you reconsidered that and put a few comments under Section 4 for further details. Section 5 talks about net acreage. You need to make sure that you take a look at that and exclude certain types of land and make sure if you need to exclude, if the water course is on your property, to take a look and see if there is anything that needs to be netted out. An important question is the way the information was presented on the plan and with the floor plans, it almost suggested there are three restaurants or three businesses. Is it three or is just there are different aspects of the same restaurant? Mr. Russek stated the intension was to be two restaurant basis and a brewery under its own entity