



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, 7th day of May 2024.

Those present were: Sal Patella  
Rich Barnhart  
Todd Widmark  
John Szarowski  
Ryan Reid  
John Leonette  
Mark Watkins, Chair

Also Present: Ken Ronk, Town Supervisor; Dennis Arluck, Zoning Board Chairman; Kathy Ebbrell, Court Clerk Rich Hoyt, Esq., Town Attorney; Bonnie Franson, AICP CEP, Town Planning Board Consultant. 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 April 2, 2024

**A first motion was made by Todd Widmark and seconded by John Szarowski to approve the Meeting Minutes of April 2, 2024. Vote: All Ayes: 7, Abstain: 0, Absent: 0, Vacancy: 0**

**Introduction of New Board Member:**

The Planning Board Chairperson, Mr. Mark Watkins introduced our newest member to the Planning Board, Mr. John Leonette. Mr. Leonette is the owner of Whispering Pines Development Company and specializes in commercial and government contract work. Mr. Leonette is happy to be part of the Planning Board Team and wants to provide positive feedback to the Town and make a difference. Mr. Leonette is looking forward to being on the Planning Board.

***CONTINUATION OF PUBLIC HEARING:***

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**E&L Garvey – Two Lot Subdivision (Applicant No. 2024-04)**

SBL: 105.1-1-26.122, 152.64 acres, Address: 3014 State Route 52, Pine Bush, NY 12566. Lot Line Adjustment to create two parcels, approximately 102.5 acres and 50 acres. Property Class: Rural Residential, Pine Bush School and Pine Bush Fire District.

**Entered into Record:**

- Letter Dated April 11, 2024 from Margaret Hillriegel, Licensed Land Surveyor regarding 2-Lot Subdivision and updated site-plan.
- Memo Dated May 2, 2024 regarding feedback to E&L Farms Subdivision from Nelson Pope Voorhis, Ms. Bonnie Franson, AICP CEP, Danielle Dreyer, Planning Analyst.

Mrs. Margaret Hillriegel is representing E&L Garvey who own 152 acres at 3014 Route 52 and New Prospect Road. The Garvey's are proposing a 2-Lot Subdivision and are not proposing any improvements at this time. As per the Planning Board request and policy, there is a proposed septic system and a well for a house on proposed Lot 1 where a portion of the gravel mine is located. Soil has been submitted for testing to the Ulster County Health Department and there are no problems. Each lot has an existing trailer that is used for farm help and Lot 2 has an existing house which Ed and Lynn Garvey live in and it has the solar facility site. It has a net lot of 26 acres and Lot 1 will be approximately 96 acres net.

**Additional Net Lotting Areas:**

Mrs. Hillriegel reviewed Ms. Franson's memo with comments handed to her and believes more items will need to be netted out. The farmland does not need to be netted out. Only when there are horses and livestock and not just crops. The net area for the solar is noted on the map and is well within the net area. The net area for Lot 2 solar easement distance that is noted in the Solar 1000 file site plan shows it comes about 9.5 acres. The net area of the wetlands will be included on the map/chart to make it clear by Mrs. Hillriegel.

**Mining Permit Use:**

Ms. Franson questioned if there is any current mining or reclamation? Mr. Garvey stated very little mining and the permit expires in August of this year. The permit will be reopened for Lot 1 only (less than an acre) while Lot 2 will be completely shut down by July and covered. The Engineer will do the reclamation maps and the DEC to approve. The permit is being reopened to remove material from the property. Even though the mining will only continue for one more year, they can only renew the permit for four years.

Mr. Ryan Reid questioned if a Special Use permit is required for the mining? This is non-conforming pre-existing and present since the early 1980's. There is a Mined Land Reclamation permit under the New York State DEC Law. Mr. Reid questioned its existence to be shown on the current map subdivision being provided even though the mine is going to be closing shortly. Majority of the Board felt that the mining has been going on for so long, it was not a benefit to do anything. Mr. Watkins recommended the maps to be signed after they close the mine. Mr. and Mrs. Garvey agreed. Mrs. Hillriegel stated she can show a small mining area on the map for the existing mining (permit reopening for this area).

**Stand Pipe Location for the Fire Company:**

Mr. Sal Patella questioned if the setback was previously approved for the solar new proposed property line? Mr. Watkins went to the site and spoke to Mr. Garvey and where the stand pipe is and if the 50 ft. was added, it would be in the pond. A recommendation was made to move the stand pipe to the other pond, so the fire companies still have a place to draw water and fire company drills.

Mr. Hoyt stated if Mrs. Hillriegel can show the rack of panels closest to the line because the 50 ft. is from the panels and not the exterior fence. Mr. Hoyt stated on the north side of the property you have more than 50 ft. The panels were not put on the last site plan and an aerial which shows the as-built condition was compared to the approved plan and they differ. The Applicant should show that rack of panels to prove you are more than 50 ft. from the new line where it is created. The question regarding on the east side of the solar project where there was a lot line change approved, it came about the same time the solar was approved and resulted in a 12.7 ft. setback. If it was a mistake, it was made four years ago, we are not changing it but to make sure the new line being asked to approve meets the solar regulations. The current approval now must meet zoning, we cannot go backwards for the 12.7 ft.

**Zoning Code Regarding 50 Feet Setback:**

The setback standards can be located under the following Zoning Code §177.23.1 Solar Energy Systems, Section E (bottom of Page 79).

- (a) Height and Setback. The height of the Large-Scale Energy Systems shall not exceed fifteen (15) feet above natural grade when oriented at maximum tilt. Setback requirements shall be fifty (50) feet from