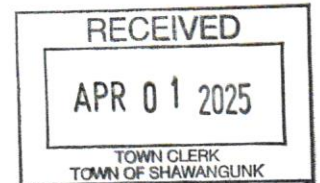


Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Shawangunk Town Hall, 14 Central Avenue, Wallkill, New York, on Tuesday, 4th day of March, 2025.

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



Those absent were: Sal Patella

Also Present: Rich Hoyt, Esq., Town Attorney; Bonnie Franson, AICP CEP, Town Planning Board Consultant, please see the 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

Chairman Richard Barnhart expressed a Thank you to Mark Watkins, who was our previous Planning Board Chairman. Mr. Barnhart stated that Mark was on the board for 19 years and was also the Chairman for 10 years. He expressed appreciation for everything that Mark did and stated that working with him was a pleasure. Mr. Barnhart also recognized our newest Planning Board member Mr. Tom Tango, who is also a resident of the Town of Shawangunk. Tom comes to us as the facilities and operations director for Woodland Ponds in New Paltz. The final administrative change recognized by Mr. Barnhart was that Mr. Ryan Reid has been appointed to serve as Vice Chair of the Planning Board.

Approval of Minutes of February 4, 2025

A motion was made by Ryan Reid and second by John Leonette to approve the Meeting Minutes of February 4, 2025. Vote: All Ayes: 6, Abstain: 0, Absent: 1

Harrier Ridge Estates – Mako Homes – 7-Lot Subdivision (Applicant No. 2023-09) (SBL: 106.1-3-29.421) Address: DuBois & Malloy Road, 26.5 Acres, Property Class: Abandoned Ag-2, Wallkill Central School District, Wallkill Fire District (FD 171). Seven lot subdivision project.

Mr. Larry Marshall of Mercurio Norton Tarolli and Marshall presented on behalf of the applicant a proposed 7 lot subdivision with a short cul-de-sac that comes in basically straight off Malloy Road that will serve six of the lots. The seventh lot would be accessed via DuBois Road with a private driveway. The site will require a SWPPP which has been developed and is currently before the Ulster County Department of

Health. Mr. Marshall said they just got an answer regarding the drilling of a well and because this is a realty subdivision, they are required to drill one well & test it with the Department of Health.

There has been approval to drill a well and an approved location. The applicant is already mobilizing to drill the well for the D.O.H. testing.

Mr. Barnhart asked if the well report would show flow or contamination or both to which Mr. Marshall said it will show both a full contamination list, and that for flow they are looking for five gallons a minute out of the well. He then stated the most common contaminants are calcium, iron, manganese, and to rectify those they typically specify a softener to be installed for the well, and then we just adjust the size of the septic systems so that we accommodate that additional flow from that well.

Mr. Tom Tango then asked about the rain gardens, and if the care for those by the homeowner would be in the deed? Mr. Marshall replied that there are deed covenants to be filed to address that. He explained that anything that is within the drainage district is covered within the drainage district. But any rain gardens or infiltration basins that are on individual lots fall under homeowner requirements, and we would have to file a deed covenant on their lot, specifying maintenance and inspection. The covenants also give the town the right to come in, if drainage is not functioning properly, to maintain it and to tax the homeowner for it.

Mr. Tango asked who checks if basins are being maintained or inspected? Mr. Marshall stated there is a maintenance specification, usually it's at least on a yearly basis, and it specifies it must be a qualified inspector. Mr. Tango asked what's the event that triggers the inspection, or what notifies if it's not done? Mr. Marshall answered that he believes an inspection report should be provided to the landowner as well as the town code enforcement officer. But he would have to check on that. Mr. Tango then asked whose responsibility it is to get the inspections done and Mr. Marshall replied it's the owners and that if it's not completed then the town would come in and get it inspected & repaired.

Mr. Hoyt then mentioned that in Bonnie's memorandum of March 3rd under SEQR, New York State DEC should have received a Notice of Intent. Mr. Marshall replied that the applicant and the planning board had not received comments from DEC & the applicant has requested that this be deemed a closed issue since the DEC has not responded. Mr. Hoyt asked if there is no reply from DEC does it mean they have no comments to which Bonnie Franson said that DEC had gotten to the point where they may not respond at times.

Mr. Marshall asked if the Board is at a position to close the public hearing and issue a negative declaration and preliminary approval. Mr. Hoyt said usually the consultants monitor and start working on the NEG DEC and get it circulated and went on to say the actual approval would be a preliminary approval since it's a major subdivision and that health department approval would probably be secured between preliminary and final. He asked if Mr. Marshall was going to get us the report for the drainage district? Mr. Marshall said he would. Mr. Hoyt referred to the drainage basins and he clarified with Mr. Marshall that lot 7 is not part of the drainage district. Mr. Hoyt then asked Mr. Marshall to point out where the two main drainage basins were on the map. Mr. Marshall pointed out the basins. Mr. Hoyt then asked

Larry to confirm the tree plantings, to which Mr. Marshall pointed out that the trees are shown in the map detail at 40 feet on center along the roads on sheets 4 and 5.

Mr. Hoyt then stated that we are interested in seeing the template for the deed covenants with DEC for the rain gardens and asked when Mr. Marshall had to record them. Mr. Marshall replied that the DEC requirement is that they get filed any time prior to the closure of the SWPPP report. Mr. Marshall then said other towns require deed covenants to be filed typically before the certificate of occupancy and other towns require us to file the deed covenants before building permits are issued. Mr. Hoyt then suggested that we file the deed covenants when the map is filed where each lot can be identified and maybe you can even pick up the rain garden issues in that. He thought it would be good to get the maintenance of the rain basins clarified in the chain of title because as soon as that map is filed in Kingston, Mr. Brissette can sell lots.

Mr. Reid stated that Mr. Hoyt is probably one of the only few attorneys that recites all the restrictions, anything, any covenants on a property within his deeds. He likes to see them put in title descriptions whereas the standard practice now is it just gets left out.

Mr. Hoyt said he thinks the best way to make sure the rain basin covenants don't get missed, and also make sure that any current lot owners are fully aware of what is encumbering lot 5 & 7, is a note on the map referring to the area of declaration, so whenever they're searching from a title company or searching the property, that covenant will come up and show what lot it's on.

Mr. Marshall replied that they must file all the easements for the subdivision anyway, it's just another document. The only thing that he would ask is that his preference would be that there is a separate restricted covenant for each lot that isn't affected by the stormwater as opposed to one global document. Mr. Hoyt replied that it can be set up any way Mr. Marshall prefers, and we can only encumber the four lots with basins, and not all seven. Mr. Marshall then clarified that he would like to file a covenant just for 7, and then separately for lot 4 or whatever the other ones that have drainage are and the reason for that is because he doesn't want people to get confused with how to maintain a rain garden vs. infiltration basin.

Mr. Hoyt replied that we can work it out between preliminary and final. If we have a global document, it can say the rules for lot 1 are none. Lot 2, you have a rain garden. Lot 3, etc... Conceptually, we're on the same page.

Ms. Franson then asked, in terms of road construction, does the owner want to start construction between preliminary and final or is he going to wait until the final. Mr. Marshall said he would check with the developer but thinks he wants to get to rough grade and maybe base course pavement before filing the map. Mr. Hoyt stated that just for the board's information, we're seeing this more and more as these roads are so expensive to bond. We see developers put in as much as they can, then bond the rest. Mr. Marshall said he does not anticipate an extended time to get to the point where they're ready to file, so I don't think it's going to be a very long file. Ms. Franson then said she wasn't sure if it needed to be somehow reflected in the preliminary plan. Mr. Hoyt indicated the negative declaration is the key, because they can't disturb anything while SEQR is pending. Mr. Marshall stated since you

close SEQR out there are inspections that must be set up, so we must get the bond amount set, and then inspection fees complete before they really begin construction. Mr. Marshall said he will update the board.

Mr. Hoyt said he urges the board to vote to continue the Public Hearing one last time in the April meeting. Then at the April meeting, we'll review the negative declaration for the record, ask anyone in the public if they have anything to say, then close the hearing, then adopt the negative declaration and the decision resolution.

Mr. Barnhart then asked if the board or the public had any further comments on Harrier Ridge and there were no further comments. Mr. Barnhart then called for a motion to continue the public hearing until April.

A motion was made by Todd Widmark and second by John Szarowski to approve continue the Public Hearing to April 1, 2025 at 7:00pm. Vote: All Ayes: 6, Abstain: 0, Absent: 1

Nicholas DiBlanca –Nicky D's Towing & Recovery- Special Use (Applicant 2025-17) SBL: 100.1-1-2, 1.6Acres, Zoning District: R-Ag-2, Address: 2151 Bruynswick Road, Wallkill N.Y., Schools District: Wallkill, Fire District: Shawangunk Valley Fire. Project: Proposed 24-hour towing and Automotive Repair Shop

The Applicant, Nicholas DiBlanca, presented his proposed Special Use the board. He said he wants to operate a minor auto repair and towing company at 2151 Bruynswick Road. Minor auto repair, meaning brakes, tires, suspension, minor diagnosing, no motors, no transmissions, but mostly towing. He stated that to get on the rotation list in this town you need a repair shop license. He stated that the business of towing disabled vehicles, you can tow the vehicle wherever the owner wants, fix the vehicle, hold it at your shop, or send it to the dealer. Mr. DiBlanca said that is what he is looking to do, just basic work. Mr. Barnhart asked if what s towed will be dropped off in an enclosed area. Mr. DiBlanca replied that the town requires, or the police departments require a fence, for accidents and impounds and stuff like that. Mr. Barnhart asked if Mr. DiBlanca was going to do oil and filter changes to which Mr. DiBlanca said he would like to down the road, but not right away.

Mr. Barnhart asked Mr. DiBlanca to explain to the board what Mr. Lease (the property owner) is going to do to assist him. Mr. DiBlanca replied that Mr. Lease was going to have the property re-surveyed and that could take about a month.

Mr. Reid asked if there will be any trucks exceeding two tons capacity being worked on to which Mr. DiBlanca replied no, only light duty work. Mr. Reid then said he wanted to make sure that activities do not include heavy automobile maintenance activities such as engine overhauls, automotive painting, body work, frame straightening. Mr. DiBlanca verified that there would be no heavy automotive work but that his proposed business does include engine tune-ups, lubrication, minor repairs, including accidental replacement of parts to passenger automobiles and just changing parts. He will not be working on gaskets, motors or transmissions. He said he subcontracts that sort of work out.

Mr. Reid then asked Mr. DiBlanca to clarify for the record, that the towed vehicles won't be sitting for long periods of time. Mr. DiBlanca confirmed that the vehicles he tows will not sit for more than probably three to four days unless it's involved in a crime where it's seized, and it goes to the barracks or comes back and there's a hold on it for a month. He said he just had a vehicle that sat for a year in the Town of Marlborough due to having a hold on it by the police department. He also explained that if he gets a car that is impounded and they don't come back for it, he must follow the proper channels of holding the vehicle for a certain time, then start the lead sale process, notify the person, etc. and that can take up to 30 days. Mr. DiBlanca then said anything that would sit for 30 days or more would be behind the building.

Mr. Barnhart asked Mr. DiBlanca to clarify that there would not be any debris in the proposed area and also that everything would be kept 20 feet from the road and in an orderly fashion, and that all the vehicles would be parked straight and organized. Mr. DiBlanca responded that everything would be kept neat and orderly and that he will be keeping everything about 40 feet from the road and behind the building.

Mr. Barnhart then asked if the tow vehicles would be parked in front of the building to which Mr. DiBlanca replied yes or they would be behind the gate. Mr. Barnhart asked how many pieces of equipment Mr. DiBlanca had and he answered that he has three pieces of equipment. Probably two are going to stay there. One stays in Highland.

Mr. Hoyt then mentioned that Bonnie Fransons memo indicated zoning allows automotive service stations. He said this proposed business would need a special use permit which means a public hearing versus submission of a site plan only. Mr. Hoyt then questioned if the special use should be for the entire building or only for the one bay Mr. DiBlanca works from. Mr. Barnhart said he thinks we'd be better off doing it for all three bays, so we're not going through this if Nick wants to expand.

Mr. Widmark said he think it's better to give the special use to the whole building and that he did not think we should be dividing up the building. Because if we do, it will get complicated. The entire Board was polled and agreed. Mr. DiBlanca then said he agreed because the other tenant may be moving soon and that if so, he would rent the other 2 bays to conduct business.

Mr. Hoyt then confirmed that we will hold a Public Hearing next month and asked Julie Pawson, planning board secretary, to prepare notices, etc. Ms. Franson said that since the entire building is under 3,000 square feet, the proposed special use is not subject to SEQR. She added that we still need the new site survey.

Catsmo Artisan Smokehouse – Site Plan Change & Addition (Applicant No.: 2024-17) (SBL: 106.001-1-17.141) Proposed Addition for a 4,853 sq.ft. addition to existing smokehouse facility located at 25 Myers Road, Wallkill N.Y. 12589, 92.8 Acres in the R-Ag4 District, Wallkill Fire District & Wallkill Central School District.

Mr. Larry Marshall of Mercurio Norton Tarolli and Marshall presented on behalf of the applicant for a proposed addition to the existing Catsmo smokehouse.

It's an existing factory and they've basically reached their maximum capacity for what they can produce with the space that they have. The last approval that we received from this board was back in 2018. It was a proposed expansion, which I would say 75%, 80% of it was completed. The only portion of the expansion that was not completed was the connection of the dry storage building to the main building. Now they are looking to expand the rear portion of the building. There's an existing overhang over the backside of the building and a couple of smokers that are located in the corner that will become fully enclosed inside the building and the loading dock will also become fully enclosed. The loading docks that will become enclosed are the receiving area, they want to try to minimize the fish being outside. They want to be able to take it right from the truck, inside the building into a refrigerated space. The map will also show a rectangular area on the end for the recycling of styrofoam which the filets come in. The styrofoam will be condensed and recycled and that would also be enclosed in the addition.

Mr. Marshall explained that to accommodate this they have to do an expansion of the sewage system which is also proposed on the map. He then said that the soils testing was completed with the Department of Health last week. The soil isn't great there, but they're suitable for a raised septic system. And that's what is being depicted on the map. Mr. Marshall explained that because of the expansion, they also need to expand the existing wastewater treatment system for industrial wastewater that's coming out of this plant. Mr. Marshall explained also that currently there are two cells for wastewater treatment, and on the original approval from D.E.C. there was a proposed expansion for future that included an additional two cells. Now they are looking to construct those as well.

The lighting plan still needs to be prepared. And since they're not expanding any of the parking areas, other than a very small expansion of a couple additional spaces, what they are looking to do is just add a couple of building mounted lights and they'll provide that in subsequent submissions as well as a SWPPP.

Mr. Barnhart asked if the addition would make Catsmo any more visible to Bruyn Turnpike? Mr. Marshall replied that you would see more of the building, because we're obviously constructing more. But realistically since the building is probably about 1,000 feet from the road it should not be very noticeable. Mr. Marshall said from Bruyn Turnpike, after the addition, what you'd see is just building because we're enclosing the receiving area and recycling area so it's going to give a more finished look.

Mr. Barnhart clarified that he was just curious whether we needed a rendering to show what the addition would look like from the road. Mr. Marshall replied as it is most people hardly notice Catsmo or know it is there because it's not a very prominent. He doesn't believe there will be much of an impact and that's also why they only want to do some minor building mounted lighting which would not be in the direction of Bruyn Turnpike, and the building would shield the lighting. Mr. Marshall also said there is an existing hedgerow that's located between the old dwelling and the existing building that's proposed to stay and if there is any landscaping that the board requires, he can certainly work with it.

Mr. Hoyt then asked if the addition on the south side of the building was part of the previous approval? Mr. Marshall answered that it was and that the addition that was

made was incomplete as to what is shown on the map, but that he could provide the board with elevations, if they would like. He explained that the reason for the expansion then was to enclose goods that were being stored in storage containers on the property. Now as Catsmo has grown they've run out of space again.

Mr. Hoyt then asked Mr. Marshall if the required drainage easement was shown on the map? Mr. Marshall said it was on sheet three of the plan set and shown as a dashed line.

Ms. Franson then asked if there was already a special use permit from the prior addition and if there is a need to amend it or add to it? Mr. Hoyt explained that in 2013, at the very first approval, there was a special use permit and a public hearing, Five years later, they came back for an expansion and it went through the same special use permit, circulated SEQR, 30 day wait, etc. Now, they are back for another expansion, smaller than before. Mr. Hoyt added that he'd love to get out of this habit because every time they want to make an amendment, we must go back and treat it like we did in 2013 and again in 2018. He said he would like to find a way to make it a simple site plan amendment so that we don't have to do the special use and the public hearing over and over. He added that this is the least impactful addition. The other one was approximately 11,000 square feet. Mr. Hoyt urged the board to find a way to treat this as an unlisted action that won't receive coordinated review.

Mr. Barnhart stated that he agreed with Mr. Hoyt and called for a motion to waive a public hearing and the project only requires a site plan.

A motion was made by Ryan Reid and second by Todd Widmark to waive a Public Hearing for Catsmo Addition/ Site Plan. Vote: All Ayes: 6, Abstain: 0, Absent: 1

Mr. Barnhart asked if Mr. Marshall was close to getting the approval documents ready. Mr. Marshall said he would get the stormwater pollution prevention plan and submit a lighting plan.

Ms. Franson then stated that the project remains an Unlisted Action and asked Mr. Marshall if he would be coming back to the April Planning Board meeting or would he push to meet again in May. Mr. Marshall replied that he would work on getting the revised SWPPP submitted to come back in April and if he could not, he would come back in May. Ms. Franson asked if she should work on a Negative Declaration and Mr. Barnhart said yes, he thought she should. It was noted that Mr. Marshall needs to fix then revise the EAF.

Wayne Sheeley – Two Lot Subdivision (Applicant No.: 2024-10)

SBL: 106.4-2-21.1, Acres: 15.1, Address: 425 Plains Road, Zoning District: R-Ag 2, School District: Wallkill, Fire District: Wallkill Fire. Project: Two Lot Subdivision and Existing Old Home Renovation into a Duplex

Mr. Larry Marshall of Mercurio Norton Tarolli and Marshall presented on behalf of the applicant. He explained that the application is for parcel on Plains Road in the RAG2 zoning district. It has two dwellings currently on it. Mr. Wayne Sheely, is

looking to subdivide the parcel into two lots and then convert one of the dwellings into a two-family. Lot one would contain the single-family residence, and that would be on 11.252 acres. Lot two would contain the two-family dwelling, and that would be on just over four acres. Making this a two-part application; a subdivision plan, as well as a site plan and a special use permit for the two-family dwelling. The renovations to the building would be interior only. There's no alterations to the number of bedrooms inside the dwelling. The home on lot two is currently a five-bedroom dwelling and will remain a five-bedroom dwelling. Basically, they're just dividing it into a three-bedroom residence and a two-bedroom residence. Some preliminary floor plans have been provided to the board for consideration. The existing well and the existing septic system serving this dwelling would remain. No alterations are required because we're not changing the occupancy of the dwelling.

Mr. Marshall also explained that there are several easements that are going to have to be filed for this subdivision. Lot one will be granted an access and utility easement over the existing driveway over lot two to preserve their rights to utilize the driveway that exists currently. And then to clear up an encroachment from the neighboring parcel, lot one will be granting an access and utility easement to tax parcel 106.4-2-21.2 for their driveway because that paved driveway is an encroachment onto the lot. Mr. Marshall then said since the last submission, they've addressed many of the concerns from the engineer and the planner.

Mr. Hoyt then said he had spoken to the Building Inspector, Mr. Calaca about this, and the issue was the front yard setback deficiency from the existing old farmhouse. He said if they were leaving lot 2 a single family, it would be fine with him, but for the two family they need a variance from the ZBA on the front yard. Mr. Hoyt said the Building Inspector also mentioned the pool should not have been allowed to be built in the side yard, but he said, what are we going to do? We're not going to make a mandate that it's removed- it's an in-ground pool. What you're doing with the lot line doesn't really affect the pool. It's never going to be moved to the rear of the dwelling where it should have been built. However, the front yard is a problem. Mr. Hoyt then said he was just reporting what the Building Inspector said.

Mr. Hoyt asked if the Planning Board should have a public hearing on the special permit if, in fact, they need ZBA relief? Mr. Widmark said he thought it should go to the ZBA first. Mr. Widmark asked if it would be better if the applicant just did his subdivision and left the house alone. Mr. Marshall said the applicant would have no interest in subdividing, that the main goal is creating the two-family dwelling. Mr. Hoyt said it's too bad the town's code requires a special use permit to go to a two-family because some town's don't require that level of permitting.

Mr. Barnhart stated that if the building inspector says a variance is needed, what more can be done? Mr. Marshall said that the only thing that could potentially be done is to appeal to the ZBA, which we're going to go to the ZBA anyway. Mr. Sheeley has no desire to subdivide this property. He is subdividing so that he can comply with zoning and make this a two-family.

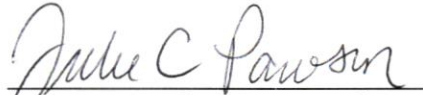
Mr. Hoyt said the setback to the edge of the pavement is almost to code, approximately 26 feet, but the code requires a 35-foot setback. He said his point is- and he is not trying to influence the ZBA- but this is not a huge variance on the

structure that is there. Mr. Marshall he kind of anticipated having to go to the zoning board.

Mr. Marshall then said he would table this application and go to the ZBA, have a public hearing, and then assuming that we can get favorable results, he'll be back before the planning board. Mr. Marshall then asked if he needed to get Mr. Calaca to put something in writing, referring him to the ZBA. Julie Pawson, planning and zoning board secretary, said she would get something from Mr. Calaca to go along with the ZBA application submission and send that to Mr. Marshall.

A Motion to adjourn the Planning Board Meeting was made by Todd Widmark and seconded by John Szarowski Vote: All Ayes: 6, Abstain: 0, Absent: 1

Respectfully Submitted,

A handwritten signature in cursive script that reads "Julie C. Pawson". The signature is written in black ink and is positioned above a horizontal line.

Julie C. Pawson, Planning Board Secretary