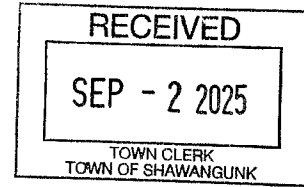


**Town of Shawangunk
Zoning Board of Appeals
July 16, 2025**



Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on July 16, 2025, at 7:00 PM at the Town Hall, 14 Central Avenue, Wallkill, New York, County of Ulster for the following:

Present Were: Dennis Arluck, Chairperson, Susan Wiand, Robert Wallner, Sandy Damon and Chris Budney as Members, Rich Hoyt, Esq, Town Attorney, Julie Pawson, Zoning Board Secretary, and members of the public.

The meeting was called to order at 7:00 PM. Mr. Arluck led the Zoning Board in the pledge to the flag.

Approval of Minutes: A motion was made by Robert Walner and seconded by Sandy Damon to approve the minutes of April 1, 2025. **Vote:** All Aye's (Present; 5 / Absent; 0)

Public Hearing: NY USLE – Area Variances for property located at Bruynswick Road.

Please see Transcription attached.

Action on requested variance required UCPB for GML review. Therefore, action tabled for August 20th meeting.

A motion was made by Mr. Walner and seconded by Mrs. Damon to continue this Public Hearing to the August 20, 2025, meeting at 7pm. Vote: All Aye's: (Present; 5 / Absent; 0)

A motion was made by Mr. Arluck and seconded by Mr. Walner to adjourn the meeting. Vote: All Aye's: (Present; 5 / Absent; 0)

Meeting Adjourned at 8:00 PM

Respectfully submitted,

**Julie Pawson
Zoning Board of Appeals Secretary**

ZONING BOARD OF APPEALS PUBLIC HEARING

ZONING CODE INTERPRETATION REQUEST

APPEAL BY U.S. LIGHT ENERGY and

NY USLE BRUYN SWICK ROAD 1, LLC

DATE: Wednesday, July 16, 2025

LOCATION: 14 Central Avenue
Wallkill, New York 12589

TIME: 7 p.m.

BOARD: Richard W. Hoyt, Esq.
Chris Budney
Susan Wiand
Sandy Damon
Robert Wallner
Dennis Arluck, Chairman

BOARD SECRETARY: Julie Pawson

ALSO PRESENT: Ari Goldberg, Esq.

Mike Fingar

Chris Sparaco

AUDIENCE MEMBERS WHO SIGNED IN:

Joel Heier, Mario Garcia, Jay Lang, Jen Lang,
Steve Landsman (EMC), Susan Tratner, Alan
Warshauer

1
2 MR. ARLUCK: Good evening. Welcome
3 to Town of Shawangunk ZBA.

4 First, what we are going to do is
5 the approval of the minutes. Can I get a
6 motion?

7 MR. WALLNER: I'll make a motion.

8 MR. ARLUCK: Who will second?

9 MS. DAMON: I second.

10 MR. ARLUCK: Okay. Sandy Damon.
11 Let's do the agenda.

12 MS. PAWSON: On that agenda. On
13 that vote. Chris Budney?

14 MR. BUDNEY: Aye.

15 MS. PAWSON: Sue Wiand?

16 MS. WIAND: Aye.

17 MS. PAWSON: Sandy Damon?

18 MS. DAMON: Aye.

19 MS. PAWSON: Rob Wallner?

20 MR. WALLNER: Aye.

21 MS. PAWSON: Dennis Arluck?

22 MR. ARLUCK: Aye.

23 MS. PAWSON: Okay.

24 On the agenda tonight we have US

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2 Light Energy, Brunswick Road. This is a
3 public hearing. Owner Christopher Sparaco,
4 applicant. This is on 2319 Brunswick
5 Road. They are asking for a 9.6 acre
6 variance for a large scale solar energy
7 system.

8 MR. ARLUCK: At this time you can
9 come up and you have some things that you
10 want to give us from neighbors of the
11 site?

12 MR. FINGAR: I do. I have a letter
13 of support from a neighbor that couldn't
14 be here, Mr. Michael Rose and his family.
15 So I have copies for everybody. I apologize
16 I didn't get them sent out in advance, but
17 I do have paper copies for everybody.

18 (Copy handed to all.)

19 MR. FINGAR: I appreciate the
20 opportunity to be back. I know we have
21 been at this several years, and most
22 recently I think we went through a lot of
23 discussion on the interpretation that was
24 presented to us. Also, our previous

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2 variance, which is to recap before we
3 originally came to the Town and had a
4 joint submission with the Planning Board
5 and the Zoning Board and we were seeking
6 three variances. There was one from the
7 50-foot vegetative buffer, one from the
8 50-percent coverage and one from the tree
9 cutting restriction.

10 So we are back tonight. We have
11 formally withdrawn that application
12 previously. We resubmitted another
13 application, which is before you tonight
14 and really the purpose of this discussion.
15 We are not seeking relief on the tree
16 cutting restriction. We are using and
17 relying on the interpretation that was
18 provided to us by the Town's Code Officer.
19 So in that, essentially, every tree on the
20 property was considered part of this tree
21 cutting restriction.

22 AUDIENCE MEMBER: We can't hear
23 you.

24 MR. FINGAR: I'll face this way.

1
2 Is this better?

3 AUDIENCE MEMBER: Yes.

4 MR. FINGAR: Do you want me to
5 start from the beginning on that?

6 AUDIENCE MEMBER: Yes.

7 MR. FINGAR: So originally, almost
8 two years, two and a half years ago, we
9 originally approached the Town with a
10 plan, joint submission to the Planning
11 Board and the Zoning Board for a similar
12 project. Really, in size and shape, it is
13 almost identical.

14 At the time we were seeking three
15 variances from the Town in order to make
16 it work for this property. We were
17 looking for a variance for a 50-foot
18 vegetative buffer, a 50 percent lot
19 coverage, and the tree cutting restriction.
20 Since that time we withdrew that
21 application. We have done some slight
22 modifications to reduce our system size,
23 bring the fence line in a little bit. So
24 we no longer are seeking any relief from

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2 the 50 percent lot coverage. We also have
3 worked with the Town engineer to make sure
4 we are compliant with the code in the
5 context of uses on the property. So that
6 has also required us to shrink our system
7 size down further. So we have no request
8 for the variance on the 50 percent lot
9 coverage. We have no request from the
10 undisturbed vegetative buffer. And I'll
11 get to that in a minute because we
12 actually worked to exceed that in many
13 cases.

14 The only relief we are seeking
15 tonight is the variance from the current
16 treeline restriction, as the law and as
17 interpreted by the Town Code Officer for
18 what that means. And that is essentially,
19 as I understand it, limiting the clearing
20 to ten acres for the project. We are
21 requesting 19.6 in total to facilitate the
22 array area itself, the access roads and
23 basically anything that is required for
24 the solar array itself and the operation

1
2 of the facility. And that is how we
3 understand the code and the attempt of the
4 Town to apply that code to the site. So
5 the current code as interpreted, that
6 would be ten acres that would be limited
7 to, we are asking for relief on that to
8 allow a total of 19.6. That is going to
9 allow us to maximize this parcel and help
10 the financial viability of the project
11 long term.

12 So one of the things about this
13 parcel I think is really unique and why we
14 are seeking a variance for this in
15 particular, it is hard to find a site that
16 is out of view. As a developer, that
17 focuses solely on community solar. The
18 biggest complaint and the biggest thing
19 that I always work through is the visual
20 impact. It is really hard to find a site
21 that not only has the three things I
22 really need, which is a favorable
23 interconnection as approved by the utility
24 but is also out of view that is

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2 constructible, that has a landowner that
3 wants this long-term investment on their
4 property in the community, and that meets
5 the actual underlying zoning. In this
6 case, we meet the zoning for where it is
7 allowed within the Town, but we are
8 requesting relief on that area. So we are
9 seeking an area variance.

10 One of the things that we have done
11 amongst the many studies is a really
12 in-depth visual analysis from the
13 surrounding properties and vantage points
14 as selected by the Planning Board, and we
15 feel really confident this is going to be
16 nearly invisible. We not only can
17 maintain that 50-foot vegetative buffer,
18 but just by nature of the site, we are
19 hundreds of feet from Brunswick Road, and
20 from the neighboring properties we have a
21 minimum of that 50-foot undisturbed
22 vegetative buffer. For the properties
23 that have residential use and residential
24 structures that are closer, we have

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2 actually doubled that to a hundred or more
3 and added additional screening on top of
4 what we are keeping there. So that is all
5 in an effort to make sure that this is
6 well hidden from the Town.

7 We also previously in past
8 presentations have presented a plan for
9 mitigation, because I understand it is
10 more than the Town had sought out to have
11 allowable under the code. Formerly, it
12 was seeking a conservation easement from a
13 neighboring property. So adjacent to the
14 site we are looking to conserve additional
15 property to offset what we are proposing
16 to clear. That was presented to the
17 Board. As we understand it, the Town
18 would prefer more direct mitigation than
19 that. We are still willing to offer
20 mitigation for this. And what I would
21 like to propose is that we work with the
22 Town to discuss a very near term
23 mitigation through a host community
24 agreement for funding of environmental or

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2 recreational activities throughout the
3 Town, as the Town may see fit.

4 I think when I think about the loss
5 of the forested area, as some may feel, it
6 is a loss of forest cover. It is private
7 property at the end of the day, and it
8 can't be enjoyed by anybody else other
9 than the landowner. So in our experience,
10 host community agreements for mitigating
11 this type of clearing really allow that to
12 be enjoyed by the public. In addition to
13 that, for a long-term mitigation, we do
14 want to include a reforestation plan as
15 part of our decommissioning activities.
16 So in the event that this property is no
17 longer used for solar, we already have a
18 decommissioning plan as part of the Town
19 law. We have to put up funding and a plan
20 to remove all the system. We have gone
21 steps further to allow funding and a plan
22 to replant and reforest the area that we
23 are proposing to clear.

24 The other unique thing about this

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2 parcel that I think is worth pointing out,
3 is in 1975, we have presented historical
4 photographs before, this land was cleared
5 previously. At one time I believe it is a
6 hay field, but it is not really productive
7 for agriculture use, to my understanding.
8 So it does not really have any other uses
9 available to it. It is a pretty unique
10 parcel and where this project can go,
11 hopefully, electrical structure and would
12 be out of view, and we would really like
13 to maximize the use. And that is why we
14 are here tonight.

15 MR. GOLDBERG: I just want to pick
16 that up and maybe bring that conversation
17 towards the specific factors that the ZBA
18 uses as part of its review.

19 So the project in total, as Mike
20 mentioned, clears 19.6 acres of trees.
21 That is mature and not mature. The
22 difference of what defines mature and not
23 mature for purposes of this variance is
24 essentially paused. We have taken the ten

1
2 acre clearing limitation, the interpretation
3 by the Code Enforcement Officer, and for
4 purposes of this variance accepted that.
5 It says no more than ten acres of mature
6 tree clearing. We said no matter what is
7 mature or not mature, the project is
8 clearing 19.6 acres with the trees.
9 Therefore, the minimum variance that this
10 project would ever need, the minimum
11 variance before you is for the 9.6 acres.
12 That is 9.6 over the ten.

13 This is a pretty narrow scope of
14 review for the ZBA. Essentially, the
15 question to the ZBA that you have to
16 answer is will the clearing of 19.6 acres
17 of all trees where ten acres of mature
18 tree clearing is permitted, cause a
19 detriment to the health, safety and welfare
20 of the community, how much detriment, if
21 any, and does the applicant's benefit
22 actually outweigh that detriment. And
23 those are big questions.

24 As the ZBA probably knows from

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2 other applications before it, New York
3 State Town Law provides you five factors
4 for your weighing and your consideration
5 in answering those questions in
6 determining detriment and benefit on the
7 variance. And our application materials,
8 they go through each of those five factors
9 and a complete analysis, Exhibit 2. I'm
10 just going to quickly summarize them for
11 the Zoning Board as well as the members of
12 the public who are here.

13 The first criteria: Will the
14 variance produce an undesirable change in
15 the character of the neighborhood or
16 detriment to nearby properties? So our
17 view of that is no. 9.6 acres cleared
18 will not detriment nearby properties or
19 the character of the neighborhood.
20 Regardless of the acreage, as Mike
21 indicated, this array, this portion, this
22 back portion of his property is hidden
23 from view, set back almost a thousand feet
24 from the road. The tree clearing is,

1
2 therefore, isolated to this setback
3 portion. There is no tree clearing in the
4 front. It is only to accommodate the back
5 portion of the array.

6 We are also complying with that
7 50-foot vegetative buffer, as Mike
8 mentioned, and we are enhancing it in
9 those most sensitive areas, particularly,
10 as you come down our access road and there
11 are homes to, I think the direction there
12 would be the eastern side of the property.
13 The homes are closer to Brunswick, but
14 nonetheless, we are increasing the
15 screening right there at our access road
16 to make sure when they are in their back
17 yard and they look back towards
18 Mr. Sparaco's property they are seeing
19 existing treeline, then our new trees, and
20 then the 50-foot buffer.

21 Then as Mike handed you earlier,
22 there is also a letter of support from the
23 immediately adjacent neighbor, Michael
24 Rose. That, to us, demonstrates that here

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2 is one member of the community saying to
3 this Board, testifying before this Board
4 in his written letter that it does not
5 produce an environmental change in the
6 character of the neighborhood he lives in.

7 The second criteria to help you
8 with your balancing test, can this benefit
9 be achieved by some other feasible method.
10 Again, no. Mike indicated that picking a
11 property for a solar array is a pretty
12 arduous and diligent process. Not every
13 site works. You need the right utility
14 infrastructure, corresponding utility
15 approval, you need the willing landowner,
16 and you need the right site. Multiple
17 relevant factors there. Therefore,
18 seeking another property is not necessarily
19 feasible.

20 Solar is also permitted at
21 Mr. Sparaco's land. It is the use in and
22 of itself is not an issue that is
23 permitted. The current design has, as
24 Mike said, we have gone through a really

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2 iterative review process with the Planning
3 Board and with this Board, and we have
4 eliminated all the variances. And we are
5 using that code compliance, especially
6 with the 50-foot buffer and lot coverage
7 to actually minimize the impact of this
8 tree clearing variance.

9 But with all those changes we did,
10 it stands to reason that we cannot
11 feasibly change the project anymore.
12 Otherwise, we start dipping into economic
13 viability and whether or not the project
14 can even occur.

15 Is the variance substantial? That
16 is the third criteria. And again, with
17 respect to substantiality, our opinion is
18 no. When you talk about substantial for
19 variances, it not just a numbers game.
20 Ten percent, five percent, 20 percent,
21 those kind of numbers don't automatically
22 trigger and cause something to be
23 considered substantial. Substantiality is
24 all about the magnitude of the variance

1
2 and the harm. And that way, sometimes it
3 looks a little bit like that first
4 criteria. Here our view is that there is
5 no harm. Clearing more trees in this
6 hidden portion of the property doesn't
7 actually create more harm, and the array
8 still complies with that 50-foot buffer,
9 and it adds vegetation, of course.

10 The fourth factor is all about the
11 environment. Will the variance adversely
12 affect the environment? Again, no. This
13 is a renewable energy project. It is not
14 going to create adverse affects on the
15 environment. Regardless of the variance,
16 we do clear trees. But with that we are
17 also planting the trees, as Mike
18 mentioned. And we do have significant
19 storm water detention basins that we
20 incorporated into our designs, and that
21 has been through a lot of feedback from
22 the Planning Board and the Town.

23 And then the last criteria for
24 consideration is the variance self-created.

1
2 The answer there is no. Self-created is a
3 really simple timing mechanism.

4 Mr. Sparaco, our landowner, he bought his
5 land in June of 2017. Almost a year
6 later, April 2018, the Town adopts the
7 current solar law from which we seek a
8 variance. Because Chris' ownership came
9 before the law, it cannot be said that the
10 variance from which he seeks relief, he
11 didn't self-create that hardship. He
12 didn't buy the property in knowledge of
13 the variance. Therefore, it is not
14 self-created. He owned it before the law.

15 So then you take all those five
16 factors, adverse effect on the character
17 of the neighborhood, feasible alternatives,
18 substantiality, environment, self-created,
19 throw those into a pot and you balance
20 them. The question you are answering on
21 the balancing test is based on your review
22 of the five factors, does the detriment
23 outweigh the benefit or does the benefit
24 outweigh the detriment. In our view, the

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2 benefit outweighs the detriment. You have
3 extreme benefit to the applicant and
4 landowner here. If this variance proceeds,
5 if you allow the applicant to clear 9.6
6 acres of trees, where only ten is allowed,
7 an additional 9.6 acres of trees, the
8 project gets built as designed. We can
9 continue with our Planning Board review.
10 We can finally get this project going. If
11 you read Mr. Rose's letter, you'll see he
12 is picking up as well on some of the
13 delays, for lack of a better word, Chairman
14 Arluck, that is the benefit to Chris. He
15 gets to actualize the back portion of his
16 property. US Light gets to build the
17 solar array that has been proposed for a
18 couple years now.

19 And on the other hand, you have
20 this detriment, which it may exist, but at
21 least we have presented it and we reviewed
22 the project. It is such an isolated array
23 in the back there. It is only 9.6 acres
24 of trees in addition to what is cleared,

1
2 and we are just trying to streamline the
3 process, pausing our conversation about
4 what defines mature, perhaps leaving that
5 for another day, but focusing on,
6 irrespective of what defines mature, the
7 project clears 19.6 acres of trees. And
8 so that is the request before you tonight.

9 Mike and I are here. Chris is
10 here. We look forward to questions from
11 the members of the Board and the public as
12 well.

13 MR. ARLUCK: Thank you.

14 At this time does anyone have
15 something or a comment they would like to
16 state in support or against?

17 JAY LANG: My name is Jay Lang. I
18 live right next door, and my concern is
19 that -- so you are saying this is on the
20 east, so the ingress and egress of this is
21 going to be on the east side of the
22 property, so it is going to run right by
23 my house? Is that what you are telling
24 me?

1
2 Chris SPARACO: It is going to
3 enter into the existing driveway, and then
4 it will hook into the interior of the property
5 around the home. So the right side. It
6 is the opposite side of your house.

7 JAY LANG: It is going to go down
8 the opposite side of my house?

9 CHRIS SPARACO: Yes.

10 MR. FINGAR: Yes.

11 JAY LANG: Because I know that
12 there is that --

13 CHRIS SPARACO: That little space,
14 yeah.

15 MR. FINGAR: It might also be worth
16 noting, too, and for those of you who may
17 have seen some of those projects of those
18 aboveground interconnection poles, one of
19 the things we have done with the Planning
20 Board, at their request, was to work with
21 a utility for a pad-mounted or underground
22 interconnection. So that is something
23 that we have committed to as well and have
24 now proposed in this latest site plan. So

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2 that will further mitigate any visual
3 impacts.

4 CHRIS SPARACO: And that is also
5 moved to my driveway.

6 MR. FINGAR: That is also moved on
7 the opposite side.

8 (Several speaking at once.)

9 MR. GOLDBERG: Can we take a pause
10 for just a second.

11 Just be aware, guys, that she is
12 trying to type this down, so it is tough
13 when we are going back and forth. I like
14 the conversation, but...

15 CHRIS SPARACO: No problem.

16 JAY LANG: And then the other
17 question I have is what is the -- from
18 what I understand, how long is this going
19 to take to build, and what kind of noises
20 and impact is that going to be creating?

21 MR. FINGAR: So for ideal
22 construction period we could be done in
23 about six to nine months, but that includes
24 the utility interconnection. Physical

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2 work, being, like, noisemaking activities
3 is probably closer to the four to six
4 month range. It is really going to be
5 contingent on when can we start
6 construction. I think the tree cutting,
7 obviously, you can imagine with chain saws
8 and equipment, that is probably one of the
9 more louder activities, and depending
10 on the trades that are in there, it does
11 vary. Probably one of the louder ones
12 will be pile driving. That will be
13 limited to just the installation, probably
14 a couple of weeks. Generally, we would
15 only work with and we have to work within
16 what the Town construction hours are.

17 JAY LANG: What are those hours?

18 MR. GOLDBERG: It is whatever the
19 code says. I don't know if either of you
20 happen to know.

21 MR. FINGAR: I would say typically
22 it is like -- I'm not sure what the Town
23 Code says for sure. I would like to check
24 on that.

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JOHN COLASSA: Sun up to sundown.

JEN LANG: Sun up to sundown. So
that could be --

JOHN COLASSA: We are an agricultural
community, and the farmers are out there
at 4 o'clock in the morning, so we can't
have a noise ordinance.

MR. FINGAR: I would just say, too,
I mean, of concern or condition for the
Planning Board or the Zoning Board, we are
more than willing to commit to a schedule
that is reasonable. Sun up to sundown,
that is great. I would love it if that
was the case, but if there was something
that would appease the Board, you know, we
are willing to do that.

MR. GOLDBERG: I think Mr. Lang, is
that correct?

JAY LANG: Yes.

MR. GOLDBERG: That is a good
question to bring before the Planning
Board, who reviews the site plan and the
site design and deals more with the direct

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2 environmental impacts from construction
3 and other things like that. The Zoning
4 Board is really just determining, based on
5 those five criteria about the 9.6 acres.
6 We have not yet had a Public Hearing
7 before the Planning Board, but I encourage
8 you to keep checking the website. You
9 will get notice because you live next
10 door.

11 MR. HOYT: Richard Hoyt, Esquire.
12 Can I say something?

13 MR. GOLDBERG: Please, Mr. Hoyt.

14 MR. HOYT: I can weigh in. Your
15 last part one of the EAF said construction
16 hours, Monday through Saturday, seven in
17 the morning to 6 p.m. during operations.
18 Passive operation 24/7.

19 MR. GOLDBERG: Yeah. Absolutely.
20 So that is when we subject our
21 applications there is a form called a full
22 environmental assessment form, about 13
23 pages, and it asks a bunch of
24 environmental questions. One of them, as

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2 Mr. Hoyt just pointed out, was construction
3 noise. So we put that answer in there.

4 It is subject, of course, to whatever, you
5 know, we are still, if the project were to
6 be approved and be constructed, it is
7 still like any other construction project.
8 It is still like any other project in the
9 Town, any other development in the Town,
10 subject to Code Enforcement.

11 So if we get a different commission
12 on our approval, if the Planning Board
13 says we heard the concerns from Mr. Lang
14 next door and we think it is more
15 reasonable for this project to be
16 constructed between the hours of eight and
17 five, no more noise, that is it. Then
18 that is something we have to comply with.
19 If we are not complying with it, the code
20 enforcement officer, Mr. Palatka, can come
21 ding us just like any other project in the
22 Town. So there is some way to mitigate
23 that and address that concern.

24 JAY LANG: A question I have is

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2 what is the purpose of this? Is this to
3 sell electricity cheap or are they
4 planning on building, like, a manufacturing
5 plant back there to use the power for that
6 or what are the long term future goals of
7 this project?

8 MR. GOLDBERG: So the only land
9 under control of US Light and Energy is
10 Mr. Sparaco's, and it is simply to answer
11 a growing demand for electricity and do it
12 with a renewable energy source. If you
13 are aware the State adopted what is called
14 Climate Leadership and Community
15 Protection Act, the CLCPA, that sets forth
16 really aggressive goals for the State to
17 start producing renewable energy. So the
18 way it works is this site is developed, it
19 acts as one of the privately held sources
20 of renewable energy that is fed onto the
21 grid and can be used by anyone in this
22 room, whether they know it or not to flip
23 on their lights. It doesn't go down to
24 New York City. The electricity that is

1
2 produced, it doesn't go anywhere else.

3 It says within the local grid for use by
4 the Town and anyone else who is on that
5 local grid.

6 JAY LANG: I have another question.

7 At night am I going to see lights
8 back there and is there going to be all
9 that kind of stuff, because currently
10 there is lights. There is more and more
11 as building construction goes on where we
12 live along Brunswick Road. There is more
13 lights, more lights, more lights, and
14 pretty soon it looks like a little city
15 back there. And I'm talking about
16 everywhere around us. So I'm wondering
17 what is the impact going to be at
18 nighttime of that? What is it going to be
19 like?

20 MR. FINGAR: There is no planned
21 lights for the facility. We still have to
22 go through the Planning Board process.
23 I'm not aware of any requirements that
24 would allow us or require us to have

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2 lights. But we have no intent to have
3 lights back there or otherwise. It is a
4 locked facility.

5 MR. HOYT: Just another question
6 for Mr. Lang's benefit. The inverters,
7 they are the ones that generate a humming
8 sound, and where are they on the project
9 site in relation to his property and how
10 many are there?

11 MR. FINGAR: They are hundreds of
12 feet from where I think your residence is.
13 They are interior to the site. They don't
14 produce noise outside the fenced area. We
15 provided that information to the Planning
16 Board. I think that issue has been closed
17 out with the Planning Board.

18 JAY LANG: So you are saying that
19 they don't produce noise outside the
20 fenced area. Are you telling me that the
21 fences are so secure that they are, like,
22 soundproof?

23 MR. FINGAR: No.

24 JAY LANG: No sound goes beyond

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that, is that what you are telling me now?

MR. FINGAR: No. The sound is so de minimis that when you are outside the fenced area you don't hear it, and keep in mind, it is only during the daytime for the operation.

JEN LANG: So we have a constant humming during those work hours?

MR. FINGAR: Not that you would hear.

MR. GOLDBERG: I think what Mike is saying is that the distance between the receptors of the noise and the minimal amount of noise that is produced is so great that you won't hear it traveling across that distance. As the sound emanates away from the noise-piercing equipment, it diminishes in the level and decibels.

JAY LANG: So if I'm like 300 feet away, can I hear that?

MR. FINGAR: No.

JAY LANG: 300 yards away, can I

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hear that?

MR. FINGAR: No.

JAY LANG: What happens if for some reason that we can hear it. I mean, like, I'm taking your suggestion or your professional opinion that we can't hear it, but I'm just wondering what happens if we do hear it and there is a big hum-hum going on?

MR. GOLDBERG: Sure. I'm going to say that you are seeing this project in the middle of a very long review. We submitted the project in April of 2023.

MR. FINGAR: Yes.

MR. GOLDBERG: At that time we started a review with the Planning Board. The Planning Board is what is called the lead agency. They take the lead on handling the State Environmental Quality Review Act. We call that SEQRA or SEQR for short. What SEQRA does is it goes through each of these sort of things that you are mentioning, including noise. And

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2 we have to do is, it is not just our word
3 or our guidelines, it is your Town's
4 volunteer members of their Board, plus
5 their hired outside engineer, the Town
6 attorneys all these meetings, and they are
7 reviewing our work product and our
8 testimony and our expert reports to ensure
9 that what we are putting before them and
10 the information we are giving them and the
11 information we are giving the public is
12 accurate and correct. So when we say to
13 the Planning Board the inverters produce X
14 amount of decibels, we estimate with a
15 reasonable degree of certainty and critical
16 science that for each hundred feet away
17 from that noise producing equipment we
18 lose ten decibels. Therefore, by the time
19 we get to the property line, it is at X
20 volume, and then beyond that it gets lower
21 and lower. So yes, we are giving you
22 testimony right now, but our testimony
23 isn't -- I'm not pulling it out of my
24 sleeve. It is vetted by this Town, and we

LAURA A. COUCH
(518) 495-3830

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2 also, as I mentioned earlier, we are still
3 beholden to the Zoning Code. So if during
4 operations for some reason there is an
5 issue or something doesn't sound right to
6 what we presented, it probably means there
7 might be an issue with something and you
8 can inform the Code Enforcement Officer
9 and we get dinged. We get hauled into
10 court. We get called by the Town. We
11 just become another member of the developed
12 and built community.

13 STEVE LANDSMAN: Steve Landsman.
14 I'm going to speak for the trees for just
15 a moment. You mentioned clearing trees
16 does not create harm. Can you reconcile
17 that from the flora/fauna standpoint?
18 Clearing trees, we can get a read back,
19 but you had said clearing trees does not
20 create harm in one of the five categories
21 you listed.

22 MR. GOLDBERG: The third category
23 is whether the variance is substantial.
24 Substantiality isn't just numbers. It is

1
2 not to say, you know, 11 acres is
3 substantial. That is the policy. That is
4 not ours. It is individually reviewed,
5 each project.

6 So the position we are taking is
7 that the clearing of 9.6 additional acres
8 of trees does not cause harm that rises to
9 the level of substantiality for purposes
10 of area variance analysis. I would be a
11 fool to say tearing down a tree doesn't
12 create harm from a flora/fauna perspective.
13 But we are also at the same time we are
14 removing trees, we are also going through
15 that SEQRA review process. It means that
16 I suspect the Town engineer will keep us
17 beholden to tree clearing guidelines from
18 DEC or US Fish and Wildlife about the
19 timing we should clear them. So they can
20 only be cleared during certain seasons to
21 ensure you are not impacting any bat
22 roosting. There are other certain
23 guidelines we have to follow along with
24 our tree clearing, including putting in a

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2 substantial amount of filter socks during
3 the construction process. And then what
4 is kind of unique about the situation as
5 well, if the landowner wanted to, he could
6 go out and clear those trees himself. It
7 is because there is a solar project
8 proposed, we have that ten acre limitation
9 that comes forward. So given all those
10 factors, the way the law is written for
11 other uses in the Town, it is our view
12 there is no harm.

13 STEVE LANDSMAN: Was it through the
14 SEQRA process where the variance became
15 necessary?

16 MR. GOLDBERG: No. So we knew
17 about the variance early on. There is a
18 lot -- you know, I said April 2023. So a
19 lot happened when we first submitted. The
20 issue we ran into is the way the code was
21 written, a lot of members of the Zoning
22 Board and the applicant team felt there
23 was some ambiguity we had to address.
24 What is a mature tree? And we went back

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and forth on trying to define that.

STEVE LANDSMAN: I have that right here.

MR. GOLDBERG: Yup. You Google it, you put it through an AI search, I think there is a lot of different answers. What we decided was that is a really difficult question so solve, and maybe it shouldn't be this specific project that settles that question.

So we went back to the drawing table and said look, at maximum, mature or not mature, we have 19.6 acres of tree clearing to accommodate this project. Let's say the interpretation is correct, we can't clear more than ten acres of mature trees. Therefore, if we request a 19.6 acre variance, a 9.6 acre variance for a 19.6 acres of clearing, that is the most variance this project would ever possibly need, and we don't necessarily need to settle on what defines a mature tree. That is how we arrived at where we

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are.

STEVE LANDSMAN: Thank you.

One more question.

When you were talking about the hum and the decibels from the perspective of neighbors and other nearby landowners, was there anything that you can remember or note, because I didn't read it in the Environmental Statement about the electromagnetic hum that might be inaudible to humans at any distance and what kind of impact that would have on transient, since the trees are gone, transient wildlife?

MR. GOLDBERG: Yes. So that specific question, I don't think that has come up yet.

MR. FINGAR: No.

MR. GOLDBERG: I haven't had that question, but what I would encourage you to do is, much like I said to Mr. Lang, the Planning Board meets, they have no August meeting, but we are slated to go

1
2 back September 2nd at 7 p.m. for the
3 Planning Board. Ask that question there
4 or you can also, I won't speak 100 percent
5 for the Town, but questions in writing
6 delivered to these Boards is always
7 helpful. I think for the Boards, and it
8 is extremely helpful for us.

9 STEVE LANDSMAN: Thank you.

10 MR. ARLUCK: Does anyone else have
11 anything to say?

12 JAY LANG: I just wanted to ask, I
13 was just concerned -- I was concerned with
14 that, but I was also concerned about the
15 wildlife. And like it says here, you are
16 clearing an area of trees or other
17 vegetation to install solar panels can have
18 a significant impact on local ecosystems.
19 In addition the construction of roads and
20 transmission lines necessary to support
21 large scale solar energy development can
22 threaten habitats, disturb wildlife,
23 introduce non-needed species, but it also
24 talks about, because in back of us is the

1
2 Wallkill, what is it, the Natural
3 Wildlife --

4 JEN LANG: Bird Sanctuary.

5 JAY LANG: Yes, the Bird Sanctuary.
6 So that is right behind us. So as a
7 result, what are 19 acres of solar panels,
8 what is their impact on that? I mean,
9 that is there to preserve the birds.

10 MR. GOLDBERG: Right.

11 JAY LANG: I mean, this right here
12 is probably going to have a detrimental
13 impact on 19 acres of solar panels, I
14 would assume, and according to the facts
15 here, have a detrimental impact on birds.

16 MR. GOLDBERG: Yeah, it is a very
17 fair question. A couple things to note.

18 In terms of, let's start from the
19 ground animals first. The fence that we
20 put around the array has a wildlife gap,
21 so small rodents and other animals like
22 that can still pass through. In addition
23 to the birds, I don't think that the
24 clearing of the trees would necessarily

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2 have a significant adverse impact on them.
3 They are still able to access any of the
4 trees around it. What I think what you
5 also identified is not necessarily a solar
6 issue but a site issue. Any development
7 that would occur on that property would
8 impact those trees. Mr. Sparaco, who owns
9 the land, could clear the trees either
10 with a tree permit or just on his own
11 volition. If the Code Enforcement knows,
12 please correct me. But my understanding
13 is it is his private land and he can go
14 fell any tree he wants. It is because we
15 are here to discuss it that there is the
16 actual discussion about that issue.

17 JEN LANG: So there is a difference
18 between the owner clearing trees versus a
19 huge project of nine months of construction.
20 That is completely different than an owner
21 clearing trees. Like, you have machines,
22 you have humming.

23 MR. GOLDBERG: What is before the
24 Zoning Board is whether the additional

1
2 tree clearing is negative, causing an
3 impact. So that is why I focused on the
4 trees. I don't disagree with you that
5 qualitatively, Chris going out and axing
6 and us coming in and clearing, but it is
7 the idea of clearing trees that is their
8 scope of analysis.

9 JEN LANG: So this project has
10 already been cleared?

11 MR. GOLDBERG: No.

12 JEN LANG: Oh, okay.

13 Again, you've referenced Michael
14 Rose as okaying this. We have a whole
15 line of other residents that have not,
16 don't know about it, haven't okayed it.

17 MR. GOLDBERG: This is why we are
18 here with the Zoning Board. The Zoning
19 Board is one arm of the Town's reviewing
20 bodies that looks at this.

21 JEN LANG: Michael Rose doesn't
22 even touch that land. I mean, we --

23 MR. GOLDBERG: I think the only
24 relevance to Michael Rose --

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JEN LANG: -- to that land.

MR. GOLDBERG: Michael Rose is our neighbor across the street.

JEN LANG: Yes. He is across the street.

MR. GOLDBERG: Okay, but we got a letter of support from the neighbor, and I think we are only submitting it --

JEN LANG: We literally are next to this person, next door.

JAY LANG: I guess our problem is why was Michael Rose consulted about this and we live right next door, but we didn't even hear about it until we get this letter.

MR. GOLDBERG: I can't answer that.

JAY LANG: That is a little bit disturbing on our side.

MR. ARLUCK: Excuse me. Are you on the west side of Brunswick or the east side, the same side as the proposed solar?

JEN LANG: There is access. They have made access.

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MR. ARLUCK: Brunswick goes this way, solar is here. Are you on that same side or are you across the street from it?

JEN LANG: No. We are on the same side.

JAY LANG: We are on the same side.

JEN LANG: We are next door.

MR. ARLUCK: You are next door. So are you north of it or south of it.

JAY LANG: We are north of it. Northeast. Northeast, yes. On the fire station side, yeah. So the northeast side. But wait a minute, the ingress and egress is supposed to come from the east. You are saying that it is -- excuse me, I'm sorry, what is your name again?

CHRIS SPARACO: Chris.

JAY LANG: Chris. How are you doing, Chris?

MR. SPARACO: Hello.

MR. GOLDBERG: Is this the first time you met?

JAY LANG: Yeah, yeah, yeah, we

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met. We know each other. You know, we get along.

So are you saying -- I just want to get the direction. So you are saying the road is going to be on the other side, right?

CHRIS SPARACO: It is on the far side of my barn, opposite of your property where the main driveway is. It is going to go down there and go between that property and that big parcel next to me.

JEN LANG: Are you ever going to circle around --

CHRIS SPARACO: No.

JEN LANG: -- through our property?

CHRIS SPARACO: No. I told Jay that. I eventually want to be clear.

JAY LANG: We are here and they are going to come in like this. It is all here. So actually, this is your entire property, isn't it, all of this? Wow. That is a lot of solar system back there.

MR. GOLDBERG: It is considered

1
2 small, relatively, 20 megawatts. So what
3 I showed Mr. Lang was from our site plan
4 set it was sheet C-102. And Mr. Lang and
5 I helped identify his location Northeast
6 of our array.

7 JAY LANG: Can we keep that?

8 MR. GOLDBERG: Yes.

9 JAY LANG: Are there any benefits?
10 Are you looking at any benefits for
11 people, like, living next door or in the
12 neighborhood for the electricity or
13 anything like that or that is just not a
14 consideration at all?

15 MR. FINGAR: It is a consideration.
16 Any benefit, any resident is welcome to
17 become a subscriber to the array and
18 receive a discounted utility bill.
19 Additionally, as I mentioned, not only
20 will it be contributing to the tax base to
21 the Town beyond what the property is
22 currently generating, but we also are
23 willing as part of our mitigation plans,
24 provide a host community benefits plan to

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2 the Town. There is various items that we
3 can include in that, and I would really
4 like the opportunity to work with the Town
5 Board on that to understand what is
6 important. And during that process, I
7 would imagine there would be some public
8 input.

9 But in general, without getting
10 into the exclusivity period to allow
11 residents that want to sign up to this,
12 this is through Central Hudson, so you
13 would be able to participate right on your
14 electric bill. I would imagine you are a
15 Central Hudson customer yourself, right?

16 JAY LANG: Yes.

17 MR. FINGAR: So you would receive
18 benefits on your electric bill.

19 STEVE LANDSMAN: If I may note,
20 Steve Landsman.

21 That is only true if you do not
22 have a solar array on your own property.

23 MR. FINGAR: Noted and agree.

24 MR. GOLDBERG: That is why they

1
2 call it community solar. But that is a
3 good point. I didn't really think about
4 it.

5 JAY LANG: I want to say that I'm a
6 deer hunter. And then I will say, because
7 there is a boatload of deer that come,
8 immigrate, egress throughout that entire
9 area, I have hunted the whole area for
10 years. All right. And this is a huge
11 impact on the deer population. Just to
12 let you know, the wildlife and deer
13 population in this area, there is probably
14 right now probably 50, 60 deer back there
15 right now living. So they won't be living
16 there anymore. Just to let you know.
17 Hunting areas becoming -- wildlife, as you
18 know, is disappearing. I mean, places for
19 their habitat is disappearing on a daily
20 basis around here. Just to put that on
21 the record.

22 MR. GOLDBERG: The Town's, I
23 believe it is the engineer on this project
24 is Nelson, Pope and Voorhis.

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MR. HOYT: The planners.

MR. GOLDBERG: The Town planners on this. Again, I would encourage, Bonnie Franson, who is the planner at Nelson, Pope and Voorhis, sounds like a conversation between the two of you would be very productive for the Planning to hear some of your thoughts. And like I said, September 2nd at seven is our next appearance.

MR. ARLUCK: Anyone else have any comments?

To the couple back there, you didn't sign it. I would appreciate it if you would sign it. Do you have something that you would like to add? Any concerns?

REPORTER: Can I get your names?

SUSAN TRATNER: Susan Tratner.

ALAN WARSHAUER: Alan Warshauer.

MR. FINGAR: That concludes our presentation. Thank you.

MR. ARLUCK: Thank you very much. I'm going to turn it over to our Town

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attorney.

MR. HOYT: A couple of housekeeping items.

First, for the record, we have proof we mailed certified notices to all the people within 500 feet of the perimeter of the property. So hopefully, your neighbors that aren't here tonight received the notice.

Second item, we published the Notice in the local newspaper, and we should have an affidavit of publication confirming that.

For the applicant, stepping backwards, I would like to confirm the Board is still on open extension on the appeal --

MR. GOLDBERG: Yes, Mr. Hoyt.

MR. HOYT: -- which has been pending some time now.

MR. GOLDBERG: Open extension.

MR. HOYT: Thank you.

Back to SEQRA, I've pulled the file

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2 which is getting kind of thick, and I see
3 a Part 1 EAF April 10th, '23. I see a
4 revision August 17th, '23. I see a
5 revision March 11th, '24. Do I have the
6 latest? Is March 2024 the latest Part 1
7 EAF? I'm thinking it is, but I just want
8 a confirmation.

9 MR. FINGAR: That is currently
10 available.

11 MR. HOYT: Okay. So that is the
12 document the Planning Board would work
13 from.

14 On that Part 3, I have a question.
15 As you know, it asks --

16 MR. GOLDBERG: Part 1.

17 MR. HOYT: Part 1, I'm sorry. How
18 much disturbance in acreage in your recent
19 March 24 Part 1 says 18.8, but obviously,
20 the variance in front of his board is for
21 19.6. Can you describe the reason for the
22 8/10 of an acre difference.

23 MR. GOLDBERG: I suspect it is just
24 as the project changed from Planning Board

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2 review, the corresponding, I think E2D,
3 that chart in the Part 1 has yet to be
4 updated. This was similar conversation we
5 had at the July 2nd Planning Board.

6 MR. HOYT: Yes. I mean, the point
7 is that we all want to work off the most
8 recent data, and I noticed in April of '23
9 you had indicated up to 25 acres of
10 disturbance. That is now down to 18.8,
11 but actually 19.6.

12 MR. GOLDBERG: Probably somewhere
13 in between. As you can see, we are
14 engineerless tonight.

15 MR. HOYT: Well, here is another
16 one for your engineer. In the same
17 document, Part 1, impervious surface is
18 listed at 976 square feet. So I'm
19 assuming it is acceptable practice to not
20 include the panels themselves as impervious?

21 MR. FINGAR: That is correct, per
22 DEC guidance.

23 MR. HOYT: Just on panels, the last
24 number I saw was about 7900. Does that

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sound correct?

MR. FINGAR: Yeah, it sounds about right.

MR. HOYT: And as I see it, they are four feet wide by seven and a half feet long?

MR. FINGAR: Approximately.

MR. HOYT: So that is 30 square feet, and if DEC guidelines should be followed, that 237,000 square feet of panels are not considered impervious. And I'm raising it. I'm not suggesting that they are right or wrong. I'm just raising it. And all of this, the Planning Board I'm sure will be quizzing about.

Let's see. I guess that was the only issue. 19.6 acres of tree clearing, would that be a pretty safe assumption that that is the limits of your disturbance or would the disturbance be possibly higher than that.

MR. GOLDBERG: It gets a little confusing because there are different

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definitions of certain parts of the array.
There is the solar energy system area.

MR. HOYT: Okay.

MR. GOLDBERG: Which I think that
is clearing inclusive of the roadway.

MR. HOYT: Okay.

MR. GOLDBERG: So I think it is in
our side table that it is slightly
different. Regardless of the numbers, we
are complying with the lot coverage. That
is something we talked with Bonnie at the
last Planning Board meeting. But in terms
of, I think I'll safely, to answer your
question, I think clearing is slightly
more than 19.6 with respect to trees and
what is before the Zoning Board tonight,
19.6 is the tree clearing.

MR. HOYT: Another way to just get
to the issue, your perimeter fence would
enclose how many acres? Do you know that
number offhand?

MR. GOLDBERG: It is on the site
plan. It is in here.

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MR. HOYT: And I assume while you are looking that up, the access around the array would be within the perimeter fence, is that correct?

MR. FINGAR: Correct.

MR. HOYT: What fire department is this? Would this be Gardner?

MR. FINGAR: No. Shawangunk.

MR. HOYT: Shawangunk. And I assume if this project gets to the approval stage, you would coordinate with the local fire departments as far as training and all that because some of them indicate the need to be trained on these kinds of facilities. But I'm getting ahead of myself.

MR. FINGAR: Yeah, we would be more than happy to do that. We already have coordinated the plan previously with the fire department and provided that correspondence to the Planning Board. We would intend on updating that to whatever plan is the latest.

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MR. HOYT: So then the fence, did you come up with anything yet?

MR. GOLDBERG: I'll just read from the site plan and I'll just hedge it sounds like there is a little bit minor fluctuations possible here.

Proposed fence area, 15.3 plus or minus acres. Proposed array envelope 12.7 acres. And then this site plan still says proposed area of disturbance, 18.8 acres. I'm wondering if our engineer calculated the tree clearing in a different manner than the area of disturbance.

MR. HOYT: Do you think you can get some clarification on these issues before the next time the Board takes this up?

MR. GOLDBERG: Next time every board meets, we will have it.

MR. HOYT: Get that nailed down. It should be, especially if this Board is being asked to grant a tree clearing variance.

So that's all I have. Thank you.

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MR. GOLDBERG: That number, 19.6 is static.

MR. FINGAR: That is what we are asking for.

MR. GOLDBERG: That is the number.

MR. ARLUCK: You are aware, though, we cannot grant this variance yet today or if we do grant the variance, because of the fact that you still haven't gotten anything from the County.

MR. HOYT: I made the Planning Board, thank you for the County, I forget. Don't we have to send this for GML, this Board. We had that discussion three weeks ago in a different Board. But I don't see this area variance as falling in one of the exemptions.

MR. GOLDBERG: Is there an inter-municipal agreement?

MR. HOYT: But in fact, we are going to go over that after you have guys leave tonight. You are welcome to stay.

I didn't see area variance for

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large scale solar as an exemption.

MR. GOLDBERG: Okay.

MR. HOYT: And you are right on the edge of the certified ag district. You are bordered on a certified ag district, so I think that triggers the GML. And I think you had said in your written submittal that you knew you had to go to GML.

MR. FINGAR: We have been asking for GML referral for many months and we were denied it at the last Planning Board meeting.

MR. HOYT: Well, that is not this Board. I'm going to urge this Board to refer this matter tomorrow or the next day up to Kingston. They are going to want Part 1 of the EAF, which is why I talked about it before. If it is not 100 percent accurate, do you want this Board to refer the March '24 version or wait for you to do a version number four? Other than that, I think we get this up to them, and

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2 hopefully they can review it at their
3 August meeting.

4 MR. GOLDBERG: Okay. We can get
5 you a revised EAF by close of business
6 tomorrow to include in the referral
7 package. Let's not say call it revised.
8 We will have our engineer review it
9 against the most recent site plan to
10 ensure accuracy.

11 MR. HOYT: The last version you put
12 your tracking dates in, it was very
13 helpful. April 23, August 23, March 24.
14 So the reader could see this thing is
15 evolving, and maybe you want to add a
16 fourth revision date to that. As soon as
17 you can get Part 1 to Julie, I would urge
18 the Board to agree to send it right up to
19 Kingston, and I don't think that needs a
20 vote.

21 MR. ARLUCK: No.

22 MR. HOYT: Regarding SEQRA though,
23 the chairman is correct, we can't -- if
24 the Board were to grant the area variance,

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2 you have to wait for the neg dec, negative
3 declaration. And if you recall from our
4 April meeting, I disagreed that the Board
5 had to wait for the neg dec on the appeal
6 of Mr. Colacka. But I fully agree that no
7 area variance could be granted. If the
8 Board decides to deny the area variance,
9 you don't have to wait for the neg dec
10 because you are not approving anything or
11 denying it. We don't know what you are
12 going to do, but let's get it up to the
13 County.

14 And now, unless there is more
15 comment and the Board hasn't commented yet
16 tonight, you would be thinking about
17 adjourning this hearing to a date and time
18 certain so it doesn't have to be re-noticed.

19 MR. GOLDBERG: Yes.

20 MR. HOYT: And by the way, for the
21 neighbors, if the Board moves to adjourn
22 the hearing, you will not get another
23 notice in the mail. You'll hear it tonight
24 and that is your notice.

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Thank you.

MR. GOLDBERG: May I, before you do that, I just want to interject one thing.

I think we have had multiple conversations with the Planning Board about part of -- I think what Mr. Hoyt got at was sort of a big issue with this project about what is a cart, what is a horse, what is the order of all these things that we are trying to do. The Planning Board, for them to proceed with their SEQRA determination and getting a complete application before them, they wanted to hear from the Zoning Board about their general feelings on the variance. So we are not, you know, I don't know, Mr. Hoyt, how you want to advise the Zoning Board here, but any sort of feedback just in terms of what the variance, how it is sitting with the members of the Board would be very helpful in discussing it with the Planning Board.

MR. ARLUCK: Yeah, but I can't poll

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the Board because I just can't do that.

MR. FINGAR: I appreciate that and I just want to share with you I'm feeling a little bit stuck and going in circles, and I've shared this with the Planning Board before.

MR. ARLUCK: We understand this.

MR. FINGAR: So at my last Planning Board meeting I was told we can't advance to the County, we can't advance to SEQR until we are given a determination on the variance. And tonight at the Zoning Board meeting I'm being told we can't advance a decision on the variance without SEQR and without County referral, and I have been in this situation for going on three years.

MR. ARLUCK: I know.

MR. FINGAR: So all I would ask is, and maybe, Mr. Hoyt, you can assist with this, that we all get on the same page of the order of operations and what needs to happen so we can just resolve this.

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MR. ARLUCK: We are tomorrow going to notify the County.

MR. FINGAR: Okay.

MR. ARLUCK: And we will try to carry on with this and see it through. But we are going to adjourn the Public Hearing until --

MS. PAWSON: August 20.

MR. ARLUCK: Yeah, we are meeting August 20th. So we will be here August 20th, so we are going to adjourn until August 20th.

MR. FINGAR: And just so that I can prepare for future discussions with the Planning Board, even once you get that County referral back, you are still not in a position to issue an opinion or straw vote because SEQR is not completed.

MR. ARLUCK: Our hands are tied in that respect.

MR. FINGAR: So I will be in a position again, just to let you know, to go back to the Planning Board and share

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this information, and some of the members are present in the room, and I fear that, again, I'm going to be hit with a wall of we can't advance.

MR. ARLUCK: Well, we are going to be here August 20th.

MR. FINGAR: Okay. I appreciate that.

MR. ARLUCK: If something more can be achieved, we can try to go for that on August 20th.

MR. FINGAR: Okay.

MR. ARLUCK: It is tough because we only meet once a month.

MR. FINGAR: Okay. I understand.

MR. ARLUCK: And I understand your frustration. It has been a while.

MR. FINGAR: Well, you guys put a lot of time into this, too, and I really do appreciate the review. I appreciate the Planning Board's review. I'm just trying to follow the right process, and I'm hoping we get on the same page.

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2 MR. ARLUCK: Well, it is kind of
3 down to the final wire for us. So we
4 will, like I say, we are going to notify
5 the County tomorrow and we will hopefully
6 have some answers.

7 MR. HOYT: I will notify them as
8 soon as you resubmit a Part 1.

9 MR. GOLDBERG: I got you.

10 MR. HOYT: I note to the ZBA is
11 issuing variances in your Part 1, the
12 answer is no variances. You may want to
13 look at that one.

14 MR. GOLDBERG: That was probably
15 the withdrawal version.

16 MR. HOYT: I don't know. I'll
17 leave it to you guys to clean the paperwork
18 up.

19 MR. GOLDBERG: That is fine.

20 MR. HOYT: We don't want to send
21 something to Kingston that on its face is
22 inconsistent.

23 MR. GOLDBERG: No. I'm following
24 the logic, Chairman. I think what we are

1
2 just hoping is that, so we have August 20th
3 we return here. Perhaps there is a chance
4 we get on the August 6th County agenda.
5 And then it is September 2 back at
6 Planning Board. I think we are just
7 hoping when we get to September 2 of
8 Planning, that we have something
9 substantive to report besides we appeared
10 before the ZBA twice. Maybe we will talk
11 about it. Maybe we will give the ZBA
12 members a chance to offer any comments
13 tonight, digest what they heard from the
14 public, see what the County has to say,
15 and maybe get, not necessarily a poll, but
16 just go down the line and let's talk.

17 MR. ARLUCK: Well, I'm more than
18 happy to listen to any of my members.

19 MR. GOLDBERG: Us, too.

20 MR. ARLUCK: I mean, it is okay if
21 you have an opinion on this to say it and
22 any concerns.

23 MR. HOYT: Or you don't have to and
24 we can do some e-mail one on one's if that

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is your preference. Either way.

MR. ARLUCK: So we will keep an open mind on this.

MR. FINGAR: I appreciate it, and thanks again for your time.

MR. HOYT: I didn't note if the Board had any comments, but if you don't, I would ask for a vote to adjourn the hearing to August 20th at 7 p.m., and that will be your notice. If you are interested, be back here in four weeks, but I would like a motion to that effect.

MR. ARLUCK: Can I have a motion?

MR. WALLNER: I'll make that motion.

MR. ARLUCK: Could we get a second?

MS. DAMON: I'll second it.

MR. ARLUCK: Sandy Damon.

JULIE PAWSON: Chris Budney?

MR. BUDNEY: Aye.

JULIE PAWSON: Sue Wiand?

MS. WIAND: Aye.

JULIE PAWSON: We have Sandy Damon?

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MS. DAMON: Yes.

JULIE PAWSON: Robert Wallner?

MR. WALLNER: Same.

JULIE PAWSON: Dennis Arluck.

MR. ARLUCK: Aye.

Thank you, gentleman.

MR. GOLDBERG: Thank you.

MR. ARLUCK: Thank you everyone for
coming.

(Whereupon, the proceedings were
suspended to August 20th.)

C E R T I F I C A T I O N

I, Laura A. Couch, a notary public and shorthand reporter in and for the County of Schenectady and State of New York, do hereby certify that the foregoing transcript of the proceedings is a true and correct transcript of the proceedings at the time and place specified hereinbefore.

LAURA A. COUCH
LAURA A. COUCH

7/28/25
DATE

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