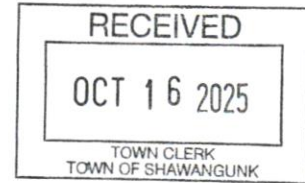


**Town of Shawangunk  
Zoning Board of Appeals  
September 17, 2025**



Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on September 17, 2025, at 7:00 PM at the Town Hall, 14 Central Avenue, Wallkill, New York, County of Ulster for the following:

Present Were: Mrs. Susan Wiand, Mr. Robert Wallner, Mr. Christopher Budney and Ms. Sandy Damon as Members, Mr. Richard Hoyt, Town Attorney, Kathy Ebbrell, Zoning Board Secretary, and members of the public. Mr. Dennis Arluck, Chairman – Absent.

The meeting was called to order at 7:00 PM. Mr. Wallner, Member, led the Zoning Board to pledge to the flag. Mr. Hoyt asked for a motion to appoint Mr. Wallner as acting chair in Mr. Arluck’s absence. A motion was made by Mrs. Wiand and seconded by Ms. Damon to appoint Mr. Wallner as the acting chairman. Vote: Mr. Budney – Aye, Mrs. Wiand - Aye, Ms. Damon – Aye, Mr. Wallner – Aye, Mr. Arluck - Absent.

Mrs. Ebbrell read the meeting’s agenda.

Approval of Minutes: A motion was made by Mrs. Wiand and seconded by Ms. Damon to approve the minutes of August 20, 2025. Vote: Mr. Budney – Aye, Mrs. Wiand - Aye, Ms. Damon – Aye, Mr. Wallner – Aye, Mr. Arluck - Absent.

All Public Hearings remain open for one hour.

**Public Hearing:**

None

**Public Hearing Continuations:**

**Michael Brander – TM #106.1-1-8.111 (RAG-4) 46 Wildrick Road, Wallkill, NY 12589 §177-52 F - Request for the use of an RV as an onsite temporary living quarters while applicant builds a house:**

Mr. Hoyt stated that this is public hearing to request the use of an RV as an onsite temporary living quarters while the applicant builds a house on Wildrick Road. This hearing was opened in August and is continuing this evening. There were no comments from the audience. Mr. Wallner asked if the applicant would like to present any additional information. Mr. Brander stated everyone was going to do some research. Mr. Brander stated he tried to find information from the state and didn’t see anything regarding RV’s and private land; he is standing on §177-52 F. Mr. Wallner stated that has some limited use applied to it. The Zoning Board is trying to determine if this is a use variance, an area variance or a temporary use variance. Mr. Wallner asked if the applicant could present to the Board what makes his application unique to others that may follow. Mr. Brander stated that it is private and temporary.

Mr. Hoyt stated that the RAG-4 code allows mobile homes, but an RV is not equivalent to a mobile home. There was discussion regarding the differences between a mobile home and an RV. The Board is faced with Section F, in which it assumes that if a fire destroyed an existing house or a tree fell on it, it is a way for a family to stay on

**Michael Brander – TM #106.1-1-8.111 (RAG-4) 46 Wildrick Road, Walkill, NY 12589 §177-52 F - Request for the use of an RV as an onsite temporary living quarters while applicant builds a house - continued:**

their property while they are rebuilding from a catastrophe. Mr. Hoyt stated the ZBA is bound by its precedent and doesn't feel it is a variance but a temporary permit; and would have to keep granting it to anyone else that requested it. There are a lot of people building homes that would probably want to save money and live in a RV while their home is being built. Mr. Hoyt also stated that the Board has spoken to the building inspector/code official and in his experience when these things arrive on property, they tend not to leave. Again, it is neither a use nor an area variance and is a totally separate section of our code and it doesn't require the normal hardship test, but maybe it should.

Mr. Brander stated he understands that the Town is trying to protect themselves from the next person, but they have spent tens of thousands of dollars planning on building this house and do not want to live in a trailer. He thinks they have proven that and that is what sets it apart. He also feels that when there is a house, it carries taxes with it for the Town and the Town would like to promote that. There was discussion regarding state code versus town code in that a local municipality can have a more stringent code than the state code, but not less. Mr. Wallner stated it is in the building code of New York State 2020 edition. Everyone is concerned about the uniqueness of your situation as there are two other lots in this subdivision.

Mr. Budney read Section F of the Zoning Code and stated as to why we couldn't set very specific conditions, i.e., not receiving a certificate of occupancy if that RV was still on the property. Mr. Budney also stated that our Zoning code is not specific. If they meant 12 months for fire, damage, it should say so. There is no Section G explaining that. There was discussion of various trailers on properties that are not supposed to be there and still exist. Ms. Damon inquired about what was already done to the property and Mr. Brander stated there is electricity and a driveway all the way to the site, which was very expensive as well. There is no septic. Mr. Brander also stated that he paid for the entire cul-de-sac to be created, which was also extremely expensive, and then turned it over to the Town. The Branders have not applied for a building permit yet because that's when the clock would start for them. There was discussion about the size of the RV and Mr. Brander stated they haven't purchased anything yet. The plan is to start building around April 1<sup>st</sup>, 2026, there is still so much to do. They have also received Department of Health approval. They are already vetting vendors and contractors. Mr. Brander stated he is not handling the job himself, although he will be consulting. They have outlined the project with someone, but they are not going to commit to anything until they have everything lined up. The entire point of this is financial. There were no comments from the public.

Mr. Hoyt stated this would be a Type 2 Exempt action. This is a temporary land use having negligible impact on the environment. The Board would not have to address SEQRA if the Board were to grant the permit. Mr. Hoyt also stated that he cannot give the Board guidance or the normal variance test supply because this sits all by itself. Normally a variance runs with the land in perpetuity. Mr. Hoyt suggested reluctantly continuing this application until next month to decide what reasonable conditions are. There was discussion about time sensitivity of when the permit would be issued and the clock starts. There was discussion about whether the applicants would still build their house if the motion was not granted. Mr. Brander stated it may be a possibility of their not going forward. The Board can work on conditions and present them to Mr. Brander before October 15<sup>th</sup>.

**Michael Brander – TM #106.1-1-8.111 (RAG-4) 46 Wildrick Road, Wallkill, NY 12589 §177-52 F - Request for the use of an RV as an onsite temporary living quarters while applicant builds a house - continued:**

A motion was made by Mr. Budney and seconded by Mrs. Wiand to continue this public hearing to the October 15, 2025, meeting to review specific conditions (if allowing this request) and Chairman Arluck's return. **Vote: Mr. Budney – Aye, Mrs. Wiand - Aye, Ms. Damon – Aye, Mr. Wallner – Aye, Mr. Arluck - Absent.**

**Christopher Sparaco/NY USLE Bruynswick Road I LLC – TM #99.2-6-10 (RAG-4) 2319 Bruynswick Road, Wallkill, NY 12589 - §177-23.1.E(3)b – Solar Energy System – Variances for 7% Lot Coverage, 50' Area for Vegetative Buffer and 13.9 Acres Clearing:**

Mr. Budney left the meeting as he had previously recused himself from this matter.

**A motion was made by Ms. Damon and seconded by Mr. Wallner to reopen this public hearing. Vote: Mrs. Wiand - Aye, Ms. Damon – Aye, Mr. Wallner – Aye, Mr. Budney – Absent, and Mr. Arluck - Absent.**

Mr. Ari Goldberg from Barclay Damon reintroduced the team of Mike Fingar and Chris Koenig from the project team. Their team internalized all the comments made in the past meetings and went back to the drawing board. They have designed a downsized array with less clearing and that is the new design they are going to discuss this evening. The main point of the downsized array is that they are going from 19.6 acres of requested clearing, which resulted in a 9.6-acre variance, down to 15 acres of clearing, which means a 5-acre variance, resulting in a 23% reduction to the overall clearing.

The system size has shrunk as a result. There was some strategy in where they selected to reduce the clearing. In the southwest corner of the property, they were close to the wetlands. With the new design they are going back approximately 171' from the wetlands to the clearing area 50' and 118' along the border. In the previous plan this rectangular space was solar panels. It is now going to be left as vegetation. The county recommendation mentioned that the property is in a Core Habitat Area. They were able to find the GIS layer and some county maps that they plotted over and split the data there as well. The green section on the map is part of the Core Habitat 5 that they are preserving. They are still clearing in there just for habitat. That was the trade-off. Now, free of solar array, the other section is close to the edge. They had an additional stormwater detention basin, now they are removing that basin and panels to add more green space. This was a strategic spot as it helped with the screening to the residential homes, as this was a concern for the neighbors from previous meetings.

The second key change to the project is called the Host Community Agreement or Host Community Benefit Agreement. There are technically three jurisdictions – town, county and school. Even though it is in the town, the town gets the smallest bite of tax, the school district takes up the majority. So based on that shortcoming of that tax benefit, the project makes up for some of that loss and pays directly to the Town to be earmarked and to be used as the Town sees fit. The proposal is a payment of \$5,000 for every acre of project clearing. The project is 15 acres, so it makes for a \$75,000 payment to be paid to the Town. The Board in their opinion does have the authority to condition its approval on completing that Host Community Agreement with the Town. This is a reasonable condition directly tied to the project, the size of the project and the variance.

**Christopher Sparaco/NY USLE Bruynswick Road I LLC – TM #99.2-6-10 (RAG-4) 2319 Bruynswick Road, Walkill, NY 12589 - §177-23.1.E(3)b – Solar Energy System – Variances for 7% Lot Coverage, 50' Area for Vegetative Buffer and 13.9 Acres Clearing - continued:**

Mike Fingar spoke about the third item – the slopes and what that meant for the stormwater as it pulls it away from the steepest part of the project. It is an added benefit of the Core Habitat. Chris's firm was able to locate it and is mapped out. It is important that this is the lowest level – five, the most common variety of core hazards. They selected this area and reduced the impact in the lowest category; they have done on-site research to support it. It also makes sure that the Host Community receives something. Mr. Fingar stated that some form of mitigation (in real time) might be important based on what they are asking for. As part of the decommissioning plan, they also plan to amend it to allow for a budget for reforestation. They would aim to go towards trees or recreation.

They are mitigating immediately for the impact that they are creating on the property. It is above what's allowable in the code. In the long term, the project gets decommissioned later at the end of its useful life, the funds are there, and the property is reforested. They find this a favorable proposal and splits the difference of what the Town was asking of them. They want to maximize the use of this property and create a financially viable project.

Mr. Goldberg stated that they are going to formally amend their application and will do the same with the Planning Board.

Mr. Wallner inquired as to how much reduction of power there is. Mr. Fingar stated they lost about 25% of the total capacity. There was discussion regarding the power that will be generated. The selection of equipment will vary a little bit. Mr. Hoyt asked if you could get more power out of a smaller panel. Mr. Fingar stated slightly, it is not as impactful. Panel sizes have gone up a little bit since they originally presented the project, which is why they can still get a reasonable size in a small footprint. Mr. Hoyt stated that they had estimated in the prior application that they had approximately 7900-8000 panels, but with the panels being larger, that would change the number of panels. Mr. Goldberg stated about 4,700 panels. Mr. Wallner asked if there was an energy storage system on-site and if it feeds directly into the grid. Mr. Fingar stated it's part of the community store program. Mr. Wallner asked how many typical households 2.5 megawatts of AC power supply will supply. Mr. Fingar stated due to the wide range load for each house, it is probably 300-500 homes: 500 being smaller homes and maybe apartments and 300 being for the larger homes. The age of the home makes a difference as well. There were no additional comments or questions.

Mr. Hoyt stated procedurally, if the Board feels this is something they could live with, we can hit the pause button and refer this to the Planning Board to issue its SEQRA determination, which must happen before the Zoning Board can vote on any kind of approval, even conditional. The Planning Board meets October 7<sup>th</sup>, and it will be a tall order as they have not seen this plan at all and vote on the negative declaration. It is doable especially if we prepare the planners. The Zoning Board, the Planning Board and our consultant, Bonnie Franson, must receive the amended plans as soon as possible. There is a fair amount of back and forth that must occur. Each member stated it is palpable. Mr. Wallner is concerned out deciding something like this without our chairman here.

Mr. Hoyt suggested closing the public hearing and referring the matter to the Planning Board. The Zoning Board will have the benefit from reading the Planning Board's negative declaration under SEQRA.

Christopher Sparaco/NY USLE Bruynswick Road I LLC – TM #99.2-6-10 (RAG-4) 2319 Bruynswick Road, Wallkill, NY 12589 - §177-23.1.E(3)b) – Solar Energy System – Variances for 7% Lot Coverage, 50' Area for Vegetative Buffer and 13.9 Acres Clearing - continued:

A motion was made by Ms. Wiand and seconded by Ms. Damon to close this public hearing as the applicant will be presenting a new proposal at the October 15, 2025, meeting. The Zoning Board is referring to the applicant and their new submission to the Planning Board for SEQRA determination. Vote: Mrs. Wiand - Aye, Ms. Damon – Aye, Mr. Wallner – Aye, Mr. Budney – Absent, and Mr. Arluck - Absent.

Appearance:

None

A motion was made by Ms. Wiand and seconded by Ms. Damon to adjourn this meeting. Vote: Mrs. Wiand - Aye, Ms. Damon – Aye, Mr. Wallner – Aye, Mr. Budney – Absent, and Mr. Arluck - Absent.

Meeting Adjourned at 7:56 PM

Respectfully submitted,



Kathy Ebbrell  
Zoning Board of Appeals Secretary