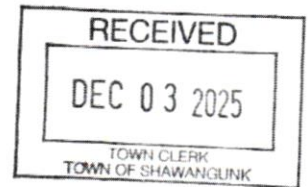


**Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Shawangunk Town Hall, 14 Central Avenue, Wallkill, New York, on Wednesday, the 5th day of November 2025.**

**Those present were:** Richard Barnhart, Chairman  
John Leonette  
Sal Patella  
Ryan Reid  
John Szarowski  
Tom Tango  
Todd Widmark



**Also Present:** Rich Hoyt, Esq., Planning Board Attorney; Bill Brady, AICP Planning Consultant, Nelson Pope Voorhees; John Cappello, Esq., J&G Law Firm. 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**

**Approval of Minutes:**

**A motion was made by Ryan Reid and seconded by John Szarowski to approve the October 7<sup>th</sup>, 2025 Planning Board Minutes. Vote: All Ayes: 7, Abstain: 0, Absent: 0**

Mr. Barnhart stated there is a maximum capacity in the room that cannot be exceeded and everyone must be seated. We cannot allow people to congregate in the hall or to stand in the back of the venue. If we exceed the capacity, we are required to adjourn the meeting and rescheduled to the school with the Board of Education approval at a later date.

**CONTINUATION OF PUBLIC HEARING:**

**Bardin Subdivision - (Applicant No. 2025-04): Proposed 2 Lot Subdivision, SBL; 99.3-4-39.311, 115 +/- acres, R-Ag 2, Address: Andrew Bardin, 332 Old Hardenburgh Road, Pine Bush, New York 12566, Pine Bush Fire District, Pine Bush School District.**

Mr. Barnhart stated there is no one here this evening to address the Bardin Subdivision and requested a motion to approve a Continuation of Public Hearing to December 2<sup>nd</sup>, 2025 Planning Board Meeting.

**A motion made by John Szarowski and second by Sal Patella for a Continuation of Public Hearing regarding the Bardin Subdivision at the December 2<sup>nd</sup>, 2025 Planning Board Meeting. Vote: All Ayes: 7, Abstain: 0, Absent: 0**

**PUBLIC HEARING:**

**US Light Energy Solar Array – Mike Fingar (Applicant No. 2023-01):**

Mr. Barnhart questioned the public if there was anyone here who wishes to speak to U.S. Light Energy (USLE) Solar Project? Hearing no one speak to that issue, we are going to push USLE back to the end of the meeting for Negative Declaration review.

**Review of the Public Scoping Session by Mr. Richard Barnhart, Chairman:**

Mr. Barnhart explained how the Board will be moving forward for the Eagle Roost project and provide details to the audience so everyone has an understanding of how the Public Scoping Session will be addressed and handled for tonight's Planning Board Meeting.

The purpose of this meeting, known as a Scoping Session, is to help the Planning Board finalize a scope to give the applicant outlining the options to be covered in a Draft Environmental Impact Statement (DEIS). It will then be up to the applicant to prepare and submit the draft DEIS back to this board. The board will compare the Draft Environmental Impact Statement "DEIS" with the adopted scope to see if the DEIS is ready for public review. At that time, we will have a Public Hearing.

This is not a Public Hearing and think of the Scope Session as a table of contents. It is a list of items that the applicant has to address and come back with answers to. Tonight is not an official Public Hearing, as that will happen at a later date, and neighbors and outside agencies will receive a notice of the Public Hearing after the DEIS is deemed complete and ready for public review. At the close of the Scope Session, the board will decide if there is to be a short period of written comments that can be received here by the Town of Shawangunk Planning Board. This evening is for questions, not necessarily for answers.

Mr. Barnhart stated when we open the Scoping Session, please wait to be recognized by the Chair and state your name and where you live. If you wish to speak to this issue tonight, you need to sign-in. The reason for your address is you may live 10 miles away from here, and you may have an opinion as to housing shortage in the Town of Shawangunk. You may live in the vicinity of this project and be concerned about the impact of the project in your specific neighborhood. We weigh and compare those so one is not more significant than the other. We want to particularly hear questions from people who feel that they will be directly impacted by this project.

Mr. Donnelly is here tonight and he is represented by his counsel and engineer. He is not going to respond to questions, but will receive questions from this board. He is going to receive questions from those of you in the audience who might have questions. If you are simply here to say you approve of this project or you disapprove, this is not the proper venue. There will be a Public Hearing down the road you can voice your concerns and what you think about the project should be or should not be. Tonight is a Scoping Session for us to gather information, to put together, and hand it over to the applicant for him to research, and that may take some time. I expect it would take a fair amount of time for him to respond concisely to all of those particular questions. Prior to getting started, there are a couple of items that I want to address first and then we will move into the Scoping Session.  
(See these minutes at p. 10)

**APPEARANCES:**

**Fire Fox Farms, LLC – Kathy and James Miller (Applicant No.: 2025-10)**  
**SBL: 100.1-1-1.2, Zoning District: R Ag-2, Acres: 8.4, Address: 2142 Bruynswick Road, Wallkill, NY 12589, Shawangunk Valley Fire District, Wallkill Central School District**

**Project Review:**

Mrs. Kathy Miller stated they have a barn they renovated on Bruynswick Road, and would like to use it as an accessory building for the ag side of it. We do trees and wreaths, and we would like to do some educational things, including bee keeping skills.

**Agriculture & Markets:**

Mr. Barnhart stated on your application you mentioned agriculture. Do you have anything from Ag and Markets? Mrs. Miller stated we are an approved property in the Ag District



already. Mr. Barnhart questioned Mrs. Miller if she had any documentation or a letter? Mrs. Miller stated not with her but called and was approved verbally she is in the Ag District. Mr. Barnhart stated they have to write a letter for you and provide a copy of that letter to John Calaca, Building Department.

**Town Property Line:**

Mr. Barnhart questioned where exactly is the Gardiner town line? Mrs. Miller stated coming from the Shawangunk Valley Firehouse and past our parking lot, we are the last property in the Town of Shawangunk. Mr. Barnhart questioned if the Gardiner and Shawangunk signs are a little off? Mrs. Miller stated a little.

**Greenhouse:**

Mr. Ryan Reid questioned is there anything going to happen inside the greenhouse regarding events? Mrs. Miller stated no, it is not for events. We brought in pre-finished plants, vegetables, annuals, plants for Easter, and Christmas trees. Mr. Reid questioned the greenhouse is more of an accessory? Mrs. Miller stated correct.

**Certificate of Occupancies (CO):**

Mr. Reid stated there were questions regarding certain CO permits that need to be taken out for some renovations for the barn and need to be addressed first. There are some things from the zoning code we still need to follow and get it settled through. Mr. Calaca will provide us with some type of letter as to anything that is needed for the barn and the greenhouse. Once those are rectified, the Ag and Markets side will help with not creating additional use that may require an actual special use permit, which would be helpful in expediting.

**GML Review:**

Mr. Barnhart stated if the site is within 500 feet of Gardiner's town line, Gardiner will need to be notified. Mr. Hoyt stated it might require a GML review with Ulster County Planning Board. Mr. Barnhart stated it is because you are within 500 feet of Gardiner's town line.

**Ag District Exemption:**

Mr. Hoyt stated Mr. Calaca needs to evaluate the use. Ag tourism is an issue the town has not yet been able to codify in its zoning. If they are in an Ag District, that is a big factor. It is different than getting an Ag exemption. You can be in the district, not get the exemption, and you can get the exemption, and not be in the district. Our interest is, are they in a certified Ulster County Ag District? Mr. Hoyt stated if you can confirm that for us, that would be very helpful. Mr. Barnhart stated that would move this along very quickly.

**Structures & Usage:**

Mr. Patella questioned the structure of the barn was there? Mrs. Miller stated yes. Mr. Patella stated the property was used for hay and farming in the past? Mrs. Miller stated yes. Mr. Hoyt questioned from the plans, no one lives there; is that correct? Mrs. Miller stated correct.

**Next Steps:**

Mr. Barnhart stated we will put this off to December 2<sup>nd</sup>. In the meantime, if you can get that documentation from Ag & Markets and get that over to the Building Inspector. Mrs. Miller stated yes.

**Two-Lot Subdivision -Bud and Kimberly Devries (Applicant No.: 2025-11):**  
**SBL: 105.2-1-9, Zoning District: R-Ag 4, Address: 540 Bruyn Turnpike, Acres:**  
**20.1, Shawangunk Valley Fire District, Wallkill Central School District**

**Project Review:**

Mr. Ryan Smithem stated he is from Mercurio, Norton, Tarolli, Marshall (MNTM). This project is located on the northerly side of a Bruyn Turnpike, located at 540 Bruyn Turnpike,

west of the intersection of Hoagerburgh Road. The project site contains just over 20 acres, located in the R-Ag 4 Zoning District. This is a 2-Lot Subdivision creating one new tax parcel with the proposed dwelling in the rear of the parcel. Access will be provided via a proposed access easement over the neighboring parcel, and then a proposed drive across the frontage of the proposed flag lot.

**Property Descriptions:**

The front dwelling is also served by an internal driveway that accesses directly from Bruyn Turnpike. It has an existing well and sewage disposal system, as well as some outbuildings. The rear lot is mostly wooded. There are sections that are encumbered by hay fields and some vegetation.

**Dwelling:**

The proposed dwelling will be served by individual sewage disposal system. It has been submitted to the Ulster County Department of Health for their review. We have not received comments yet, but are expecting them very soon.

**Comments:**

Mr. Smithem stated that is a brief overview of the project. I did receive some comments from the planner and the engineer. They all seem fairly minor. The only thing that we will be asking for is a waiver from the cluster subdivision requirement. Mr. Barnhart questioned if you are aware of any critical environment issues? Mr. Smithem stated no to the best of his knowledge. There is nothing that has been flagged. Mr. Barnhart questioned Mr. Bill Brady from Nelson Pope Voorhees if he had any questions? Mr. Brady stated he does not.

**Road Frontage:**

Mr. Reid questioned the road frontage for the new lot; is it a 25-feet? Mr. Smithem stated it is a 25-foot-wide access that we are showing for the flag lot. There is a 24.76 dimension there, but that is the distance along parallel to the line. That is defining the road right-of-way. The distance from the edge of the proposed right-of-way line is 24.76 feet. It just happens to be very close to the 25-foot width of the proposed line. Mr. Reid questioned are we considering it a flag lot? Mr. Smithem stated I think it is being considered a flag lot. That was one of the comments in the planner's comments. We do have to move the dwelling back. Mr. Reid stated if you are going to move it back, it would be relevant to the local zoning requirements. Mr. Smithem stated yes. Mr. Barnhart stated you will have to look into that.

**Property Access:**

Mr. Patella questioned if there is something that exists now, is there access? Mr. Smithem stated there is and the majority of the access will be across the existing driveway, which serves the neighboring parcel. The majority of that will be accessed across the existing driveway. It will then branch off in this section to access the proposed line. Mr. Patella questioned which property has the driveway? Mr. Smithem stated address 538 Bruyn Turnpike.

**Next Steps:**

Mr. Smithem stated I understand there is no GML review for this project. Would the Board consider a Public Hearing on the project? Mr. Hoyt stated usually they respond to consultants' comments. Mr. Barnhart stated let us wait until Ms. Bonnie Franson has a chance to weigh in on it.

**Farm Fuel Coffee – Andrea Cabello (Applicant No.: 2025-09):**

**SBL: 106.49-1-6, Zoning District: Small Business (SB) Multi-use Building, Acres: 105 x 312, Address: 31 Wallkill Avenue, Wallkill, NY 12589, Wallkill Fire District, Wallkill Central School District**

**Project Review:**

Ms. Cabello stated she changed the location to 31 Wallkill Avenue instead of the Route 208 location. Mr. Barnhart questioned if Ms. Cabello has solidified the new location? Ms. Cabello



stated I am trying to and we have been working back and forth on the lease for the last month. Mr. Barnhart questioned when Ms. Cabello will be moving into the new location? Ms. Cabello stated she might be signing the lease on Thursday, November 15. After that, the construction will be about two to three weeks.

**Construction and Walk Through Inspection:**

Mr. Barnhart questioned none of the construction is of any significance to anyone other than the Building Inspector? Mrs. Cabello stated correct. Mr. Barnhart questioned if Ms. Cabello has spoken to the Building Inspector? Ms. Cabello stated yes, he did the walk through. Mr. Barnhart questioned if Mr. Calaca was happy with everything that was done. Ms. Cabello stated yes.

**Building Department – 30 Day Notice:**

Mr. Hoyt stated a month ago we discussed this when Ms. Cabello was going down to the Route 208 location, and the Board waived its right to the 30-day notice from the Building Department. I would have you consider doing the same thing here where Mr. Calaca has to send you a notice and wait 30 days. It is up to the Board for you to be able to review anything you might want to review. There are two possible issues here with no possible structural changes.

**Lighting and Signage:**

Mr. Hoyt questioned Ms. Cabello on any new lighting and signage? Ms. Cabello stated No. Mr. Hoyt stated those would be the only two issues the Board might want to reserve on. Mr. Barnhart questioned Ms. Cabello about not wanting any signage and how would you attract your customers? Ms. Cabello stated based off my presence already, I have been mentioning to customers which building I will be moving into. Ms. Cabello questioned will the sign hold her back? Mr. Hoyt stated to keep you moving along, I suggest the chair could appoint a Board member to work with Mr. Calaca after this evening if she wanted to do a sign and met code and not inappropriate for the main street of the hamlet as opposed to having to wait for the Board to approve the sign in December. Ms. Cabello stated there is a wood structure already there. If I were to use that, would that be a problem? Mr. Barnhart stated that would not be a problem as long as it is not a neon coffee cup with flashing lights. Mr. Barnhart requested that the minutes reflect Mr. Reid to address any questions regarding the sign and it is within the town codes. Mr. Widmark questioned the parking. Ms. Cabello stated there are a few parking spots in back by the building and there is parking on Main Street.

**Waive 30 Day Notice:**

Mr. Reid stated in the minutes, I also did the walk through with Mr. Calaca and I cannot give you a specific date, but I can say that all the items that need to be met to waive the site plan to expedite you moving in there and that fits all the notes and we can waive the 30 days.

**A motion made by Todd Widmark and second by John Szarowski to waive the 30-day notice and to allow the use to proceed per Zoning Law 177-35 (A). Vote: All Ayes: 7, Abstain: 0, Absent: 0**

**Dog Grooming Salon – David Brattesani (Applicant No.: 2025-12)  
SBL: 100.6.49-3-34, Zoning District: Small Business (SB) Acres: 56' x 50,  
Address: 22 Wallkill Avenue, Wallkill, NY 12589, Wallkill Fire District, Wallkill Central School District**

**Project Review:**

Mr. Brattesani stated he has the building at 22 Wallkill Avenue, the Kitchen Shop. It is about 56 square feet and behind it is a warehouse that looks like a garage and we would like to renovate it into a dog grooming salon. Everything is ready including the bathroom, heating, lighting, and water.

**Sign:**

Mr. Barnhart questioned if there is going to be a sign? Mr. Brattesani stated yes. Mr. Barnhart you will need to follow the same concept as we explained to Ms. Cabello and make sure it is within code that have to be followed. Member Reid will oversee this for the board. Mr. Brattesani stated he is familiar with putting a sign on the building.

**Hours of Operation:**

Mr. Barnhart questioned what the business hours will be? Mr. Brattesani stated normal business hours, Wednesday through Friday and it is by appointment only. There will be no parking, sitting, and waiting. Five to ten minutes; drop off only. No dogs staying on property or overnight. No dogs will be leashed up outside of building. It is a drop off and when ready, the dog is picked-up.

**Structure:**

Mr. Brattesani stated plumbing is there, and we use maybe 30 to 40 gallons of water a day. There is a table that goes up and down with a drain on top. There are two traps for dog hair. One is like a normal sink trap and then underneath the top drain, there is a second trap for anything that goes through that is cleaned out daily. This has been addressed with Mr. Calaca, Building Department.

**Waive 30 Day Notice:**

Mr. Hoyt stated you may wish to waive your right to a 30-day notice from Mr. Calaca on this one. Again, these are to expedite the approvals for conversions of existing buildings in the Hamlet meant to streamline the process. Signage and lighting are taken care of so I assume you waive your right to the 30-day notice.

**A motion made by Todd Widmark and second by John Szarowski to waive the 30-day notice and allow the use to proceed per Zoning Law 177-35 (A) Vote: All Ayes: 7, Abstain: 0, Absent: 0**

**Town Fees:**

Mr. Hoyt stated he was alerted as to the condition of the building permits, if there are any fees owed by a applicants to the town, the town fees are to be paid accordingly.

**US Light Energy Solar Array – Mike Fingar (Applicant No. 2023-01):**

**SBL: 99.2-6-10, Zoning District: R-Ag 4, Acres: 33.8, Address: 2319 Bruynswick Road, Wallkill, NY 12589, Shawangunk Valley Fire District, Wallkill Central School District**

**Project Review:**

Mr. Ari Goldberg stated he is from the law firm of Barclay & Damon for the applicant, Mike Fingar from U.S. Light Energy (USLE). Last month we had discussed a revised site design for the solar array down to 15 acres of total tree clearing. That is down from the 19.6 version previously and down from the original version of 23.6 acres. We are five (5) acres over what the code permits. We have completed, with the thanks and the help from the town, the referral to the Ulster County Planning Board (UCPB). The UCPB is also meeting this evening with USLE on their agenda.

The Public Hearing has been opened, and we have also been in discussions with Ms. Bonnie Franson, designated planner and Mr. Rich Hoyt regarding a SEQRA Negative Declaration. This board has declared Lead Agency some time ago. It had made all the necessary solicitations. Far more than 30 days have elapsed at that point, and now if the board feels comfortable, it could be in a position to complete Part Two and Part Three of the SEQRA Environmental Assessment Form and adopt a Negative Declaration Resolution. That is a decision for the board to make. Mr. Fingar and I are here to answer project specific questions as we go through that document. I know there are probably some lingering comments about maybe some certain environmental impacts, but we are happy to address any of them as we go through.



**Public Hearing and Negative Declaration Process:**

Mr. Barnhart questioned if there was anyone from the audience here for the Public Hearing before we close it. Mr. Hoyt stated you could review the NegDec and adopt it while the hearing is still open. Do not forget, if the Negative Declaration is adopted tonight, this board will hit the pause button because they have to go to the Zoning Board and seek that five (5) acre variance on the clearing. You are not able to grant any kind of approval until that happens. The Negative Declaration is important because the Zoning Board cannot act without it, but you cannot go forward and put the final details in the condition of approval until the ZBA acts

**Shawangunk Valley Fire Company Review:**

Mr. Goldberg stated during the iterative process with this board, we have been trying to discuss the current site plan with the Shawangunk Valley Fire Company, Mr. Jim Miller who is here. I was wondering if he would like to quickly to talk about his review of the site plan.

Mr. Jim Miller, Chief of Shawangunk Valley Fire Company stated we have looked at the site plan and we have gone over it. As for an emergency at their site, which we hope would never happen, we will go ahead and answer that at any other 911 call to the best of our ability, protect people, to protect property. Then it will be in strict adherence with their emergency procedures, which will be posted by the manufacturer of the system and how it operates.

Then our go-to, since we are not electricians or use the high currency, we will, like we normally do in any electrical situation, is go ahead, close it off and call Central Hudson. They will come in with their protective gear, and if there is an injured person, they go ahead, de-energize and take everything down so that we can get the other person out. We will answer every call to the best of our ability. Mr. Barnhart questioned Mr. Goldberg and Mr. Fingar if they agree. They both agreed.

Mr. Hoyt stated the applicant has agreed and I believe our code requires a training session with the local fire personnel as they approach getting ready to be operative. Mr. Miller stated they actually come to us with the emergency preparedness part of it. In other words, what is the right and wrong parking and hot spots, and where the shut off is to go ahead and start along with the proper number for the emergency for Central Hudson. Even though we have it now with the county to go ahead and do it.

Mr. Goldberg state that the applicant fully understands that section of the code. He would be willing to even take that section of the code and then elevate it to a condition of approval if that is helpful for the board to see.

**Negative Declaration Review:**

Mr. Bill Brady stated we will go through the Negative Declaration 11 Page document and summarize it as we go along. It describes the history of the process that we have already gone through now that you have received this application and reviewed it. The Negative Declaration describes the project and where it is located in the zone. The board determined a Type I Action. It describes the variance that is needed. This version that I have today is fresh today. There were some edits that came through today.

There is a little bit more of the history of the site plan submittal and the back and forth on the timing of those things. It talks about how the Environmental Management Council (EMC) visited the site and provided comments. Comments provided by Mr. Pat Hines the Town Engineer from MHE, the Town Planner from Nelson Pope Voorhees. Then the Building Inspector rendered a determination that the intent of the solar array was to limit clear cutting of all type of trees to no more than 10 acres, which was consistent with the field report in 2023. It talks about how the Ulster County Planning Board also made some recommendations. It lists all the current plans and documents that are part of this submission, then we get down close to the meat of the Negative Declaration.

There is history on the Public Hearing, and where the Planning Board has analyzed the potential areas of environmental concern associated with the action. They reviewed the completed review of Parts 2 and Part 3 of the Final Environmental Assessment Form.

See attached Negative Declaration at the end of this document.

Mr. Hoyt stated to keep the Public Hearing open until you see what the ZBA does, because they have not acted yet. I believe you can adopt the NegDec this evening, you do not have to close the Public Hearing, you are not granting an approval, you are just handling the SEQRA aspect.

Mr. Hoyt stated I want to highlight the reference to the Host Community Agreement, and I like the way the applicant has drafted the language. It is somewhat tight, but it gives the Town Board a little bit of latitude also. I think between now and your December meeting, when I assume this might be on for a final approval, you may have more specifics on that, but the way it is drafted here, I am fine with that.

Mr. Barnhart questioned everybody else on the board if they agree with the drafting of the agreement? Mr. Patella stated yes, and specifically the last line where the Planning Board has an opinion as to the use of those funds.

**A motion was made by Ryan Reid and second by John Szarowski to adopt the Negative Declaration. Vote: All Ayes: 7, Abstain: 0, Absent: 0**

**A motion was made by John Szarowski and seconded by Todd Widmark to adjourn the Public Hearing to December 2<sup>nd</sup>, 2025 after the ZBA meeting on Wednesday, November 19<sup>th</sup>, 2025. Vote: All Ayes: 7, Abstain: 0, Absent: 0**

Mr. Hoyt stated for the public, there will not be another notice. If you are within the radius and you received a notice for this evening, you will not get another one. This is your notice.

***CORRESPONDENCE:***

Mr. Tango stated nothing to report from the Ulster County Planning Board Meeting.

Next Regular Meeting to be held on Tuesday, December 2nd, 2025  
Deadline for submission is Friday, November 14, 2025 at noon  
Agenda is subject to change

***ADJOURN MEETING:***

**A motion was made by Todd Widmark and seconded by John Szarowski to adjourn meeting. Vote: All Ayes: 7, Abstain: 0, Absent: 0**

Respectfully

Janice Stryker, Planning and Zoning Board Secretary  
Mary Ann Longano, Confidential Secretary



**PUBLIC SCOPING SESSION:**

**Eagles Roost Multi-Family Development, Lou Donnelly (Applicant No.: 2025-07):  
SBL: 106.004-1-6.200, Zoning District: Hamlet (H-1) and Borden Historic  
Overlay (BH-O), Acres: 25.8, Address: Buena Vista Avenue, Wallkill, NY 12589,  
Wallkill Fire District, Wallkill Central School District, Wallkill Sewer and Water**

Mr. Barnhart reminded the public as discussed earlier in the meeting, Mr. Donnelly is going to receive questions from the public and the board, and he is not compelled to answer anything at this time. If you wish to speak, please sign in, and we need your name and your address. We need the address because we want to gather data for the scope and make sure, we cover the neighborhoods that are most affected by this project. We want to look back and see how many people from the community may have come here this evening and spoken to this issue and raised questions for the scope. As a reminder, there will be a Public Hearing at a later date. Again, Mr. Donnelly will entertain the questions and raise the questions. He is not compelled this evening to give any answers as well as the board. We are strictly in a scoping-information-gathering venue. Please speak clearly, state your name for the Secretary to document this data as we go forward.

**Project Review and Background:**

Mr. John Cappello stated I am an attorney with J&G Law and I am here with Mr. Donnelly, Principal of the development company, and Lara Monroe, Engineer from Engineering Surveying Properties. As the Chair said, the purpose tonight is for us to listen to you. This project was proposed back in 2022. At that time, this board and its consultants, along with the applicant, prepared a scoping outline.

There was a Public Hearing on it, a Public Scoping Session, and a 32-page outline was prepared and adopted by this board. It was for a 92-unit project. Ms. Monroe is going to discuss the changes to that. We updated that 32-page scoping outline. A scoping outline is, it is part of the State Environmental Quality Review Act (SEQR) process. It is the beginning of the process. It is the outline of all the studies, and all the information we need to provide to this Board to protect our position and address the environmental issues.

We are here tonight to hear comments from the public and from the board to see if there is anything in that 32-page scope that is not covered, that you want to see covered in this book so the board can then take it and give us the scope. We will then take that as an outline and build from that, do all the necessary studies, prepare the document, which will be a Draft Environmental Impact Statement (DEIS), and likely be a couple hundred pages. We do not want to entertain questions we do not have the answers to. We are looking for the question you want answered.

As mentioned, we have 32 pages of the topics, and Ms. Monroe can do a quick review of all the topics and studies we have already agreed to prepare. Once we do that, the book will be available for the board and consultants to review. Once they say the information is there and the responses are enough that it is appropriate to accept it as complete and hold a Public Hearing, there will be time for you all to review that book, and there will be another Public Hearing, and all the involved agencies will be there. What we are looking for tonight is, what is not in that 32-page document that we said we will prepare the studies based on. What additional information do you want us to see us prepare? We have no answers tonight, which means that we are looking for a question. I am going to turn it over to Ms. Monroe to do a quick discussion of the changes and what we have already agreed to review. Ms. Monroe represents the Engineering Department.

**Site Plan Changes:**

Ms. Monroe from Engineering Surveying Properties stated we have changed the site plan from 92 units to 96 units total. It went from six (6) buildings to eight (8) buildings, but all these were three stories (Ms. Monroe pointing to a map diagram). With the increase in buildings,



we clustered the plan more together in the usable area, and in addition to that, we changed the access to the site to have a primary access off of Third Street extension. We changed the access to Buena Vista Avenue to emergency access only in consideration of the neighbors. We also show some additional screening along the rear yards for the existing residences.

**Environmental Studies:**

As far as the studies of the impacts go, in the scope, all of the impacts will remain the same from the previous scope. We added some additional language for studies, and some of the studies will include preparing a full Stormwater Pollution Prevention Plan (SWPPP) to deal with drainage. We will also be preparing a traffic impact study to study the traffic impacts from this project. We will have a habitat assessment of plants and animals on-site because there are large wetlands in the middle. There will be a whole review of zoning, a review of the air quality from the impact of this project, and also archeological.

**2022 Project Status:**

Mr. Patella questioned if we could clarify the status of the original application in 2022 for the public? Mr. Hoyt stated the board approved a scope after a Scoping Session three years ago, and the applicant never submitted the DEIS, and there was nothing for the board and the public to review. Three years went by, and we received a new plan. The board elected to re-scope it. It has been three years and a different project. We are repeating what we already did on the slightly modified plan, but three years ago, it was the applicant who did not file with us, and that caused nothing for the board to do.

**Beginning of Questions:**

Mr. Barnhart stated we will start with the Wallkill Fire Department Chief, and Deputy Chief. They will speak first as to any issues in regards to fire protection, fire-related, emergency response-related issues in this project.

**Wallkill Fire Department – Robert Malatesta, Chief:**

Mr. Robert Malatesta, a Fire Chief, stated the biggest concern is a turnaround for fire apparatus. There is no turn around which is usually at the end of a cul-de-sac, not a dead end. If we do fire operations, there will be no way to enter our apparatus or exit, and how is the emergency access going to be? Mr. Cappello stated we will make sure we document it and then we will put our answers in writing, and it will be in the plan for you to review to see if we did a good enough job. Mr. Malatesta stated Mr. Calaca has the setbacks. There is a concern with the total number of hydrants and the hydrant flow. Most of all, the concern is the dead end. Mr. Malatesta confirmed the roof peak is the 35-feet, the buildings are three stories with bedrooms on the third floor, there will be sprinkler systems, and means of egress. These are the big concerns the Wallkill Fire Department would like to see addressed.

**Borden Historic Overlay – Law 177-6, M(5):**

Mr. Reid stated he has two comments to address:

- 1.) One of the plans is an up-to-date field survey. I noticed in the last meeting that this is based on a 2004 survey from another firm. Part of the scoping is the language including an up-to-date field survey, which is improvements along Buena Vista Avenue that are there, and the foliage has decreased within the area that is shown on the existing one.
- 2.) Regarding Law 177-6, the Borden Overlay M5, "The Preservation and Restoration of Historic Features", I would like to see an inventory or a study of all the items that would need to be preserved or restored, which includes:

*"In any application subject to this Subsection, historic features shall be preserved or restored to the greatest extent practicable. These features include stone piers, woven wire fences, allees of trees, individual healthy trees at least two feet in diameter at breast height (dbh), hedgerows, private unpaved country lanes, stone walls, lamps, ornamental building and landscape accessories, and other features documented in the historical reports. Where deemed appropriate by the reviewing board, trees at least six feet tall shall be planted in "allee" formation along new and existing roads on which subdivision or new construction is proposed. Such trees shall be properly maintained and replaced if*



*they die within three years of planting the stone piers, any wooden-wire fences, alley trees, healthy trees, a 2-foot breast height diameter, hedgerows, everything that's within that. I have a part four in the presentation".*

Mr. Reid stated he would like to make sure this is mentioned.

Mr. Tom Tango stated the properties in the H-1 zone, which the comprehensive plan speaks to, talks to the desire to have single-family residences, but a special use would be multi-family. I would like to have the scope talk about what the justification will be to go to that special use as opposed to just the permanent use. What is the why?

Mr. Patella stated the buildings are a different height than the application of 2022. Would there be a necessity for a new balloon study for the difference? Mr. Donnelly stated the balloons are flown higher than the building heights and documented in the book. We can provide that for you. Mr. Cappello stated in the scoping outline, as you mentioned on zoning, there is a section where we may have to explain how it fits with the zoning and that will all be in the document. We will have a full review of the studies and analyze of this plan. If you determine after your review that it is not appropriate, and the information there is not enough for you to make the appropriate determination, then you can advise us of what we need to do. These are all going to be rental units.

Mr. Barnhart stated you have three buildings that are in very close proximity to the rail trail. I would like to make sure that we cover the visual impact by that rail trail. Engineering-wise and landscape-wise, is there any way to mitigate the impact on the rail trail so that it does not run together? That is three-story buildings and that venue being rural.

Mr. Bill Brady stated he had no comments and Ms. Franson already provided some comments on the draft scope.

**Rebecca Mantello, 29 C.E. Penney Drive** stated a lot of this might get addressed in the studies you are already have. I would like to make sure my comments are addressed in the studies and the impact:

- Is the water and sewer infrastructure going to tap into the water municipal supply? Can the ability of our water supply handle that type of additional use, particularly with the drought watch that is in place for most of the county and stated?
- What is the impact on our school system? This may be something for the board to consider. If we have 96 additional units, multi-families, how are all these children going to be added to our school district and how is this going to be handled?
- Another concern is the public safety. How is the part-time Police Department going to handle 96 units, two-bedroom unit, two people per apartment minimum? That is about an additional 200 people be added to the town. Do we have the ability to further accommodate our public safety for our town, and to have an additional budget to hire additional police forces?
- The same concern for our emergency services. Our Ambulance Corps just started with paid employees in the past couple of months. We have two ambulances. What is the impact going to be on our Emergency Services with that many people in town?
- We already know 208 is really busy. People do not do the speed limit as it is on 208 and there is a school right there on 208. There are children who have to go to school, walk to school, at the middle school.
- The rail trail is right there and cars do not stop to allow people to cross the street to go to the rail trail. Take into consideration the traffic on Route 208 as part of the study. There have been multiple car accidents this year at the triangle on 208.
- Consider a traffic light on Third Street as cars are coming in and out to help slow down the traffic on 208.
- This may be for the board too, the need for affordable housing. Not just here, but all over. If there is an ability to have a percentage of the units to be income capped, whether it is for veterans or seniors or a cap for income in general, to have a section of those units to be



more affordable for both. The new apartments that were just built are \$2,400 to \$2,700 a month. That is way more than my mortgage and I could not afford a real apartment right in front of my house.

- Next is we pay a sidewalk tax that is terrible. Will there be sidewalks?
- Are there going to be street lights? C.E. Penney does not have street lights, which I love and I do not have light pollution. Will there be more street lights and light pollution on that side of the town?
- I like to be able to see the stars at night from my neighborhood. What is the visual impact for folks who are living on that side, between the rail trail?

**Sue Marshall, 109 Third Street (corner house)** stated she lives where all of these vehicles are going to be driving by, and the last rainstorm, I took pictures of the street that was completely flooded, and the drainage ditch that goes in front of my house, I had called the town when I moved in, and they basically said to me, well, we might get there, but do not call again because you will be put at the bottom of the list.

- How is the road going to be maintained and how are the kids going to walk up through there to go to school?
- How are cars not going to be sliding all over the ice that is going to freeze from the flooding?

**Dana Winchell, 24 Buena Vista Avenue**, stated having children that are walkers, I have been at a meeting here, and it is already an issue:

- We are going to need more sidewalks on our streets if we are going to have even more people living here.
- I am concerned about the lighting, traffic on Buena Vista, and even more so getting to work in Middletown. I leave at 6:00 AM and the traffic has doubled in the past 15 years that I have lived here.
- I am concerned about the amount of people that do walk to school and events. This is going to be huge and we need traffic lights.
- We are going to need to increase the police force.

**Donald Weigmann, 901 Borden Circle** stated he shares some of the concerns, but one thing I wanted to highlight is the proposed project is in the Borden Historical Overlay District, which my understanding is that it is there to preserve the historic character of that particular part of our town. In the description of BH-O District, the Planning Board, Lead Agency, is given latitude as to what sort of project is appropriate within that zoning. It states:

***"No approval of any such application shall be granted unless the board granting such approval finds that the development proposed will be consistent with the requirements of the BH-O District"***. Then if you dig into the zoning a little bit, you will find that there are architectural requirements, streetlight applications, and I wanted to make sure those were addressed.

**Mary Murphy, 28 Buena Vista Avenue** stated she is the second house on the corner, and she was wondering how the exit is going to be effective to where she lives and how invasive to have three story high buildings. Our single room houses will have no privacy.

- How is it going to affect the value of our homes having all these apartments behind us?
- What is it going to do for my house, my property?

**Michael Caifa, 159 Lippincott Road** stated we have, in our town, a recently acquired residential apartment complex. There is now another one, substantially larger that is being proposed. The majority of the property taxes that we pay as homeowners in this town are school taxes. We do not have a substantial number of commercial ratables. We also have a large amount of tax-exempt property, two state prisons and many other acres that are tax exempt. My concern is the impact that such a project, in addition to the most recent project, and the number of residential homes that are being built in the town; residential development has certainly been accelerating over the past few years. How is this going to impact our



property taxes, especially the school tax portion. I think that is going to have a major impact on the overall tax rate of the town. I do not know if this has been addressed in any of the previous studies, but I would like to hear more about that.

**David DeBlanca, 20 Buena Vista Avenue**, stated this complex is essentially in my backyard that is wooded. The did a balloon test and 30 feet up will basically be looking down at all of our houses. I would like to address my concerns:

- What will be the impact be on the neighborhood and the environment, and how will it be mitigated, especially during construction, noise, dust, light, and light pollution in general? They are going to have light posts all along there. How close is that going to be to our yards, and how much of that light is going to be shining in our houses 24-7, because the light is going to be on all day long, or actually all day and night?
- They spoke about doing this environmental study, but we are still concerned about where the water is going to. All of our backyards are soggy when it rains. There is a slight slope going down in our backyards to the wetland, but then that gets all backed up; where is all that water going to? It is going to be more of a swamp even more so than it usually is.
- The emergency exit, is that going to be locked, or is that going to be on the honor system? People are going to be using that down road, because we have kids in probably at least every other house on that road. They are out playing, walking to school, and take a chance getting hit on Route 208. It took a year just to put those little green pedestrian signs there. We have no real signage, and people come flying through. My kids and wife almost got hit, my neighbor's son almost got hit, the crossing guard almost got hit multiple times. Sometimes the police catch them, and sometimes they do not. The response back is there is a dispute between the town and state over the signage there. Obviously, traffic is a big one.
- What is going to be the average rent of these apartments? Is it going to turn into Section 8 when we can't fill them? Once this goes through, when the complex is built, are there going to be plans to expand it after that? Is this going to continue?
- What are the benefits to our community?

**Marco and Lisa Tintori, 32 Buena Vista** stated they live on the corner of Third Street and Buena Vista. The main entrance of this will be in our backyard. Being in the construction world, I am thinking about the commercial vehicles not only through the construction process, also:

- How long is it going to be?
- How many vehicles?
- When they are going to start?
- When are they going to finish?
- There is also the garbage trucks, the electrical trucks, all the trucks that support all that housing back there.
- Once again, it impacts the value of the properties and what do we gain from that?
- What is the gain of having all those apartments back there?
- Will they be filled and what are the guarantees that you do not turn it into a Section 8? That could turn into a nightmare in our backyard.
- Who is controlling the traffic? Are you guys going to be open for construction 24 hours to build this thing up? Where does that put us?

**Jack Bettens, 29 Buena Vista Avenue** stated I wanted to echo the concern that neighbors have had. The biggest concern I had initially was the traffic. We have a lot of children walking to school and getting across Route 208 is a nightmare. Also, the concerns with property taxes and the construction issues. I am mostly concerned about the traffic flow and how the impact that will have in our neighborhood.

**Nikki Simon, 47 Buena Vista** stated we are located at the dead end of Buena Vista Street that would be significantly impacted by this project. My children are walkers to and from



school and we have no sidewalks on our side of the street. I just assumed because we were at a dead end that was probably a non-issue.

However, if you are adding an entire community, have you considered you are building 96-Units, and we do not even have 96 houses on this street. What are we trying to do here? Who are these for because this is not for us. Our infrastructure is struggling, as we said. The water main had issues multiple times this year, and we do not even have a notification process in place. We cannot notify our neighbors that the water is contaminated. Our sidewalks are inadequate, our roads are narrow, we cannot even pass two cars going past each other on Buena Vista Avenue.

I am very concerned about the traffic going out onto Bona Ventura Avenue. There is a Middle School right there that does dismissals. You cannot even get through that area at that time as it is, and now you are going to have 96-Units of cars to add to our traffic.

I am also concerned about the wetlands where we have seen dumping trucks in the woods for about a year. There is a stream that runs back there that goes right into the river. Is anyone paying attention to what is being dumped while they attempt to fill a swamp? Our entire back property is a downward slope, and is flooded with a significant amount of rain. There is a water source right there, and I did call the DEC about it and was told that they were unaware of the scope and size of this project. To me, it seems non-beneficial to the residents of this community.

I am concerned about the intention of putting 96-Units behind a very small, quiet rural street. We are not asking for much, but I am here to get some insight into what is actually going on.

Mr. Barnhart questioned Mrs. Simon if she could elaborate to the board when and why you spoke to the DEC? She responded: I honestly thought, being naive to the process, assumed that the DEC would know what is going on people filing plans. I notified them first in June of this year, but it has been going on for much longer. They recently informed me that they had no idea of the scope of the project. I have her name and an email from the DEC. They cannot give me information because it is under investigation, but that is what they told me, that they did not know.

My other question would be, what other developmental projects are you guys affiliated with? Do you have success stories for building in a small, rural community and actually creating growth? I am being told I am close minded because I do not want 96 units built in my neighborhood, but I would love to know if there is an actual success story.

Mr. Cappello stated as far as the DEC knowing, once the scoping outline is excepted, they are an involved agency on this. Once we prepare the Draft Environmental Impact Statement, which is going to be the 32-page outline document for that, the DEC will get a copy and will have the opportunity to review and comment on that. The DEC does not have anything. Mrs. Simon stated but you guys are going through the woods whether or not that is your property. The applicant and chairman stated that is not us. It is a separate lot.

**Leslie Rule, 43 Buena Vista Avenue** stated Third Street cannot handle that traffic or anymore traffic going in and out of there. Has anybody measured the impact that it is going to have on that senior group back there that probably is oblivious, unless maybe they received a public notice. There is that whole senior complex back in there sitting right where all this is going to happen. This is going to change the whole character of our neighborhood. My grandkids are why I am at the cul-de-sac. They kids go up and down the street and everybody knows they are there. They play in the street like the olden days, but this project, if approved, will definitely change the character.

**Marianne Ridout, 31 Central Avenue** stated they finally got a Grant to fix the park and they are working on it for three weeks. Who is going to be responsible for maintaining this park? Mr. Barnhart stated Mr. Donnelly is not building a park. Mrs. Ridout stated it is in the



description. Mr. Barnhart stated it is a dog park. Mrs. Ridout stated she thought it also said a regular park and misread the information, but her concern was who would maintain it because of the issues we already have in maintaining parks. Is the dog park going to be something that you are going to be maintaining? Can anyone use it? Mr. Cappello stated it is all privately owned and maintained.

**Susan Hansen, 103 Third Street** stated I am not sure if this is a requirement or not, but if we are having three-story buildings that are potentially going to have sprinklers, what is the demand on the infrastructure do we need a ladder truck? Are the residents going to pay for a ladder truck? I do not know if it is a requirement based on 35 feet, but we do not have the money for a ladder truck. You are not going to pay for it and the residence are not going to pay for it, and I do not know if that is a mandatory requirement for that height.

**Mr. Tom Gastio, 664 Sand Hill Road** stated he is outside of the Hamlet, and I do have a couple of concerns. On the DEC's website, they recognize an area that encompasses this area in question as having some endangered wildlife as well as possible plants and I do not know if that has been addressed already, and if not, I would like to see that. I think there is an Aquifer Protection District involved in this. If I understand what I read about that, it has to do with permeability of the surfaces on the development. Will that be part of the plan; to see how much water is possibly mitigated by absorption? I am also curious, because I am not on the town water system; is the town water system fed by wells in this area? Do we need our town water system here in the Hamlet connected to wells in the area? Water usage by this project will affect other elements that are not on the public water system, possibly affecting the aquifer with the actual usage. I am curious what the effect of usage will be as well as the wastewater creation, and whether or not our treatment plant is up to speed for that as opposed to wastewater run-off.

I understand it is a private project, but are there expected impacts on the recreational facilities in the town? We expect some increased usage over the next several months? And is there anything in play to help support and change that? I have been through town on a Saturday with a soccer games and little league, and I think we are pretty crowded now around town. In my experience, in different places, when a community has a lot of residents that are not owners of that property, they are not very invested. We are going to have at least a couple hundred people who will be utilizing that facility in the town as they should. What is all that going to bring to this community? Is there an exchange for that? Is it just a place to crash, drive up the traffic, use the resources, use the infrastructure? There is no interest in making this better.

**Kathy.Capella, 49 Bona Ventura Avenue** stated she has concerns for the water infrastructure, in light of the problems that we had that went on for an extended period of time this past year, and also the effects on the sewage treatment plant. What is the capacity that we are at now? What is the expected impact with another 90 plus units? I would also like to know when the Scoping Session is completed and available to the general public?

Mr. Barnhart stated it will be at the town hall for us to review and on the website along with the scope. At a later date, we will have a Public Hearing that will also address any additional problems or concerns or positive things. Mr. Cappello stated the Public Hearing will be on the book that we are going to prepare for the website. Mr. Barnhart stated nothing is there yet because we have not digested the information and started the process to review all of these questions and comments.

**Kim Hall, 9 Kobelt Drive** stated she is up by the High School and I know what it is like to have a wet lawn. Three stories high and eight buildings, it is going to block a lot of people's yards. Is there going to be a study on how much sunlight you guys are going to lose with eight, three-story building? You are blocking sun light and that is going to be huge.



**Helen Tighe, 12 Bona Ventura Avenue** questioned is the whole forest going to be cleared?

The whole forest, swamp land area, all the trees, going to be annihilated? Buena Vista Avenue has a good view and for those poor people who live back there are going to lose that view. For the people that live back there, are they going to have a good view. I also have a question for the Environment Protection Agency, are they going to protect all of the wildlife and plant life back there? Mr. Barnhart stated habitat life is part of it.

**Julia Cranor, 1680 Albany Poast Road** stated you mentioned balloon tests, but I would like to see actual visual simulations in the Environmental Impact Statement. I would also like to see a discussion of the long-term maintenance plan once the project is built. I know we used to be a federal environmental justice community and I know the federals have gone away, but I am not sure if we are a state. If we are a state, I would like to see a discussion on that.

**Ellen Turner, 124 River Road** questioned with the 96 Units, how large are these units? Are they one-bedroom, two-bedrooms, three-bedrooms, four-bedrooms? Additionally, I share the comments with regard to traffic. I am on the road that is on the way to the transfer station, and I am blessed with plenty of traffic on Tuesdays and Saturdays, all day long. Speed is of an issue and volume is tremendous on River Road. There are no sidewalks there and when I walk my dog, I have to make sure that I keep stepping over because no one slows down. I am concerned with not only 96 units, but how many humans are we really talking about?

**John Moussot, 155 Viola Street** stated I would like to know about the independence of the people who are performing the studies and what is happening, because I hear a lot about studies that they are doing. I would like to know if the studies are in fact done by independent organizations. Mr. Barnhart stated they are quantified engineers. Mr. Moussot stated I want to make sure that they are truly independent and that we can trust the information that comes from those studies. Mr. Barnhart stated that they are reputable.

Mr. Cappello stated I would add that the process will allow your independent engineers, your consultants will review it. The people at the engineers at the DEC will review it. The public will have the opportunity to review it and retain anyone you feel appropriate to review it. That is the process and why we are preparing the book. Our names will be on there. We are professionals. You have professionals who work solely for the Planning Board who review it and comment. You have professionals at the state who will be looking at it, and you have professionals from the county. That is the process, and we are only at the beginning of the process.

**Michael Grimes, 80 Baumer Road** questioned was the acquirer of the property aware that it was an H1 zone, primarily for single-family homes at the time of purchase? Mr. Cappello stated it will be a discussion and also in the DEIS. There will be a discussion on that in detail. Mr. Grimes stated I know Mr. Tango has a great question as to why and I will reiterate that one. I personally think it is an easy answer.

If the proposing Hamlet was to decide not to approve, let us say, the specialty permit in an H1 zone, would this then maybe have a different plan of single-family homes, perhaps for a longer-term residence and a more controlled volume, or would the project be abandoned and left as is? Mr. Barnhart stated we cannot answer that at this point. That is beyond our purview at the moment. Mr. Grimes stated and that is why my question was more directed to the applicant. If this is what the Hamlet might decide, we are going to stick with the zoning we have for the sake of preserving the Hamlet and the people that live here already. Permanent residents and not tenants passing through, what would happen to it at that point?

Mr. Cappello stated we will analyze the law in zoning, and when we analyze the special permit with the reviews, there are rules for a special permit. Special Permit does not mean you can do whatever you feel like on the property. There are requirements and may be allowed with



conditions. At this point, we will review it. There will be some more discussion, and then we will. I do not want to get into a situation where you think it is simply simple. Mr. Grimes stated I am confident that it is not simple. Mr. Cappello stated we are at the beginning of the process. Mr. Grimes stated I wanted to make sure at the time of purchase, perhaps that zoning would have made clear the intention was once for single-family homes, and being a special project, it is great to have that ambition, but what could the alternative be if the special kind of exception was not made?

Ms. Poni Prokosch, 121 Lippincott Road stated looking to the future, when you are talking about having a Public Hearing here, we kind of max out the facility. I do not know what the requirements are of where you are allowed to have the meeting, but looking forward, is it possible to do that particular meeting in anticipation of a large crowd at another facility. Mr. Barnhart stated yes. We would have to obtain a venue large enough to accommodate everybody. If we had to close this down this evening, the thinking was to go to the Wallkill Middle School and arrange it through the School District first. It is not as simple as just saying we are going to go there. We would have to deal with the Board of Education.

Ms. Ridout if that were to happen, what about using Zoom? Mr. Barnhart stated we do not have the technology and I do not think we are able to do it and doubt we would be able to do it that way because we do not use it for any other meeting. We can look into that down the road, but we would probably seek out a larger venue within the town to be able to accommodate.

**Delbe Spath, 64 Bona Ventura Avenue** stated regarding Second Street and 208. The last time they did this scoping of this development was a road that went in there and it stopped. My suggestion was a road to go in there and go around and go back onto Second Street, not a dead end. Once you get the emergency vehicles down in there, you are stuck and you are not getting them out. That road has got to go around and come back out on Third Street. There is no way to stop it. The other thing is the traffic light. You have got to have a traffic light up there on 208 and Third Street, and Second Street because the traffic going up there on 208 is terrible. With 96 people down there, that is 96 cars. It can have them down there in a dead end.

**Steve Omstead, 46 Blossom Lane** stated when I lived in Orange County, I used to ride up here on my bike and ride through the Hamlet and I would say to myself *"This is one beautiful place. Someday I hope I am lucky enough to live here"*. Eight years ago, my wife and I were able to do that, and we live in this beautiful Hamlet. No disrespect, but your project sounds hideous. It does not fit the character of this Hamlet. You may have noticed there are 150 people here. Not one of them has spoken up to defend your project except you. You talking about 96 Units, that means 96 cars. How many people here live in a one-car home? I would have to say there is probably double the number, closer to 200 cars in there. Every day, people going to work.

In 2020, the census counted people who live in this town, in this Hamlet, just the Hamlet, is 1,980 people. You are talking about adding approximately 200 people, maybe 300 if it is a couple with children. That is a 10% to 15% increase in the population of this Hamlet that cannot even provide for the people that are already here because it is so expensive. Where is the money coming from?

You are putting up a system that does not pay school taxes. You will pay some taxes on the buildings, but it is not 96 individual homes kicking in to the monies that are going to the schools. Obviously, the schools are going to have to increase. They are going to have another 100 kids in the schools. Where are they going to go? Who is paying for that?

Mr. Barnhart stated Mr. Donnelly, has not even given us design drawings yet. It is unfair to criticize what it is going to look like. Mr. Omstead stated it is three stories high in a Hamlet

that is two stories high, and my feeling is that these three-story buildings in that spot with all these nice small homes right behind them, or actually in front of them does not fit.

**Tracy Nestved, 41 Vista Avenue** stated I have to echo what everybody else here has said, but I would like to know what is going to be done in this location. We are talking about buffering the rail trail, but how are we going to buffer the houses on Buena Vista from the noise? It is 96 Units, maybe one to two bedrooms, but it is also those 96 Units, their invitees, their friends, their guests, the people who are coming for holidays. How are we buffering the noise from that? Kids run all over the place. It is going to completely affect the character of our neighborhood.

I would like to know about the construction vehicles that are going to be coming in. I mean, you could have knocked me over that a project like this would go through on that street. How are we going to repair that road? We have got sewers from 1959 that are clay pipes that are six- or eight-inches diameter. What are we going to do to address that?

Mr. Barnhart stated that is the last person at the moment for the scoping session. I want to reiterate; there will be a Public Hearing later on down the road and it will be publicized. It will be in the newspaper and on the town website. This is just the beginning of the process. We are going to take a five-minute recess, and then we will proceed with the rest of the Planning Board Meeting. Thank you all for appearing.



**Town of Shawangunk Planning Board**  
Resolution Granting Site Plan and Special Use Permit

Wallkill Community Solar Project  
2319 Bruynswick Road  
Applicant: NY USLE Bruynswick Road I LLC  
Owner: Christopher Sparaco

**WHEREAS**, NY USLE Bruynswick Rd I LLC and Solitude Solar, LLC d/b/a U.S. Light Energy ("USLE" or "Applicant") applied for site plan approval and a special use permit from the Town of Shawangunk ("Town") Planning Board ("Planning Board") in connection with their proposed 2.5 MW AC large scale ground mounted community solar project ("Project") to be located on property at 2319 Bruynswick Road, SBL 99.2-6-10 ("Property"); and

**WHEREAS**, the Property is approximately 33.832 acres and is located in the RAG-4 zoning district; and

**WHEREAS**, the Town of Shawangunk Local Law 1-2018 entitled "Solar Energy Systems" ("Solar Law") amended the Town Zoning Law and Code ("Zoning Code") adding Zoning Code § 177-23.1 et seq. Under the Zoning Code, the Project is permitted at the Property subject to Site Plan and Special Use Permit, both issued by the Planning Board; and

**WHEREAS**, USLE first submitted its omnibus application for Site Plan and Special Use Permit to the Planning Board in April 2023, at which time the Project, as proposed, was 5.07 MW DC/3.75 MW AC; and

**WHEREAS**, the Planning Board determined that the action was a Type I action as per NYCRR Part 617.4(b)(6)(i) of the regulations implementing the New York State Environmental Quality Review Act ("SEQRA") and declared its Intent to act as Lead Agency for the application on September 5, 2023. The Notice of Intent was circulated with the site plan and Full EAF Part 1. There being no opposition to the Planning Board's request, the Planning Board assumed Lead Agency status; and

**WHEREAS**, USLE has made multiple appearances before the Planning Board and the Town Zoning Board of Appeals ("ZBA"), which resulted in revisions to the Project's design and a reduction to the now proposed 2.5 MW AC Project; and

**WHEREAS**, the Applicant submitted an application for area variances to the Shawangunk ZBA on April 11, 2023, which was later withdrawn by the Applicant, and Applicant then submitted an application for an area variance under Zoning Code § 177-23.1.E(3)(e), and the ZBA held a public hearing on July 16, 2025, which remained open until the Zoning Board of Appeals closed the public hearing on September 17, 2025; and

**WHEREAS**, a site plan set was submitted for the Project, entitled Wallkill Community Solar Project, prepared by C.T. Male Associates, and last revised October 16, 2025, consisting of 12 sheets. This site plan depicted a 3.58 MW DC/2.5 MW AC large scale solar facility with a 1,257 linear gravel access road, stormwater management facilities, and 8-foot agricultural fence surrounding the 10.0-acre array envelope and proposed vegetative screening. The proposed area of disturbance is 15.74 acres as per the site plan, 15.00 acres of which is tree clearing; and

**WHEREAS**, the Shawangunk Environmental Management Council visited the site on May 3, 2024, and comments for the Planning Board's consideration in a memorandum dated May 17, 2024, and the Applicant responded to those comments on August 14, 2025; and

**WHEREAS**, Town Engineer MHE provided comments on the Project including the Project SWPPP, the most recent by letter dated October 7, 2025, which Applicant responded to in its application submission made October 16, 2025; and

**WHEREAS**, Town Planner Nelson Pope Voorhis provided comments on the Project, the most recent by letter dated May 2, 2024, which Applicant responded to in its CT Male letter dated August 29, 2024, and by electronic mail dated October 6, 2025, which Applicant responded to in its application submission made October 16, 2025; and

**WHEREAS**, on August 8, 2024, the Building Inspector rendered a determination that the intent of the solar array section of the zoning law was to limit clear-cutting of all substantial trees to not more than ten (10) acres, which was consistent with the Field Report issued by same dated July 13, 2023. The Building Inspector indicated that an automotive repair facility was also located on the property without necessary approvals. The Applicant was informed the determinations could be appealed to the ZBA; and

**WHEREAS**, the Applicant appealed the Building Inspector determination but withdrew that appeal, with prejudice, on November 20, 2025; and

**WHEREAS**, subsequent to this determination, the Applicant submitted a site plan, last revised October 16, 2025, to formally amend its application and further reduce the amount of disturbance and tree clearance. The large-scale solar facility is being reduced from 4.67 MW DC/3.75 MW AC to 3.58 MW DC/2.5 MW AC. The Applicant has indicated that the total amount of clearing has been reduced from 19.6 acres to 15.7 total acres of ground disturbance, which is inclusive of 15.0 acres of tree clearing. Applicant has also modified the Solar Array Decommissioning Plan to include funding for future reforestation of the Property. Lastly, to mitigate the tree clearing, the Applicant also committed in writing to a Host Community Agreement in the amount of \$5,000 USD for every acre of trees cleared (15.0 acres in current site plan), amounting to a total of \$75,000, which the Town will use, at their discretion, to procure and plant additional trees throughout the Town or on Town Property and pursue other conservation and recreational pursuits in the Town; and

**WHEREAS**, the documents submitted by the Applicant as part of its initial application submissions and numerous subsequent supplemental submissions (collectively "Application") consists of:

1. The required Site Plan Review and Special Use Permit application forms and various project narratives and comment response letters,
2. A Full Environmental Assessment Form ("FEAF") pursuant to the New York State Environmental Quality Review Act (hereinafter "SEQRA"), with such FEAF being revised in concert with certain Project design revisions,
3. Stamped Civil Site Plans, consisting of the following individual site plan sheets, as last revised October 16, 2025:
  - (1) G-001 Cover Sheet
  - (2) C-101 Existing Conditions



- (3) C-102 Overall Site Plan
- (4) C-103 Solar Array Plan
- (5) C-104 Slopes Plan
- (6) C-105 Overall Clearing and Landscaping Plan
- (7) C-106 Detention Basin 1
- (8) C-107 Detention Basin 2
- (9) C-501 Site Details
- (10) C-502 Site Details
- (11) C-503 Erosion and Sediment Control Details
- (12) C-504 Stormwater Management Details
- 4. Single Line Diagram
- 5. Solar Equipment Specification Sheets
- 6. Decommissioning Plan and Cost Estimate
- 7. Forest Cover Survey
- 8. Viewshed Analysis
- 9. Operations and Maintenance Plan
- 10. County Agricultural Data Statement
- 11. Agricultural Soils Information
- 12. Stormwater Pollution Prevention Plan
- 13. Arborist Report
- 14. Wildlife & Habitat Review
- 15. Noise Report
- 16. Central Hudson CESIR Letter
- 17. Property Deed
- 18. Recorded Memorandum of Lease
- 19. NY State Historic Preservation Office (SHPO) No Effect Finding Determination
- 20. NYS Department of Environmental Conservation (DEC) Species Coordination
- 21. NYSDEC Preliminary Wetland Jurisdictional Determination

**WHEREAS**, the Planning Board, in consultation with its designated technical review consultants, reviewed all Application materials and determined the Application was complete for purposes of holding a public hearing; and

**WHEREAS**, the Planning Board referred a full statement of the proposed action to the Ulster County Planning Board pursuant to General Municipal Law § 239-m ("County") (Referral No. 2025141). The County, reviewed the Project on November 5, 2025 and issued a "No Decision – Local Determination" letter; and

**WHEREAS**, a public hearing on the special use permit and site plan was held on November 5, 2025, to allow comments from interested members of the public on issues of concern, and comments received at the hearing were duly considered by the Planning Board; and

**WHEREAS**, on November 5, 2025, the Planning Board, as Lead Agency, issued a SEQRA negative declaration, determining that the Project would not result in any potentially significant adverse environmental impacts, and such findings are expressly incorporated herein; and

**WHEREAS**, on November 19, 2025, the ZBA granted the Project a 5-acre area variance from Zoning Code § 177-23.1.E(3)(e) allowing the Project to clear 5 acres above the 10 acres of tree clearing permitted; and

**WHEREAS**, the Planning Board has fully reviewed all Application materials, including the site plans as revised, various engineering submissions, the project narrative and code compliance memoranda, the FEAF, all other supporting technical information, public comments, agency comments, Applicant responses to all comments, and recommendations of the County, and has considered the comments of its designated technical review consultant; and

**NOW THEREFORE BE IT RESOLVED**, in accordance with the Zoning Law, the Planning Board hereby grants the Site Plan Approval requested by the Applicant and issues a Special Use Permit requested by the Application based upon the following findings of the Planning Board:

**I. Zoning Code Compliance**

**Zoning Code Section 177-25.C(1)-(9) – Special Use Permit General Standards**

**C. General standards. No special use permit shall be granted unless the following conditions are met:**

- (1) **In residence districts. In a residence district, the proposed use will serve a community need or convenience.**

The Project provides renewable energy to the community. ~~The Property value will also increase as a result of the improvements.~~

Commented [BF1]: Irrelevant, if the solar facility is not taxed.

- (2) **Harmony with zoning district objectives. The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the zoning district in which it is located.**

~~The R-Ag4 zone purposes is to encourage the continuation of agriculture and low density uses compatible with the soil, topography and location of this district; to control activities not compatible with agriculture and related low-density development; and otherwise to create conditions conducive to carrying out the broad purposes of this chapter. The Project is specially permitted in the zoning district. It also achieves the goals of keeping R-AG 4 use low density. The Project is compatible with agriculture because it is low impact and does not interfere with any uses on adjacent parcels. The Project does not remove any agricultural lands from use and does not impact any adjoining agricultural uses.~~

- (3) **Harmony with adjacent uses. The location, nature and height of buildings, walls and fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.**



The Project is harmonious with adjacent uses because it is screened by abutting vegetation and additional evergreen plantings. The ~~Solar Array~~ large-scale solar facility is also low impact. The height of a solar panel ranges no taller than 15' feet as it rotates. The Project Array activates a predominantly unimproved portion of the Property without intruding on adjacent uses.

- (4) Absence of objectionable characteristics. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted use not requiring a special permit.**

The Project does not produce objectionable noise, fumes, vibration or characteristics, including visual characteristics of an objective nature. Unlike other large-scale facilities, this one will not be highly visible and will be screened. The general public will not normally see the solar facility during routine travel. Vegetative screening will be installed to the north of the stormwater detention facilities to buffer the improvements to the nearest residential structuredwelling and from public roadways. Coniferous plantings will provide year-round screening. These screenings and buffers are shown on Sheet C – 105. The tree species to be installed include Norway Spruce, White Spruce, and Arrowwood Viburnum. Distances further mitigates impacts to receptors. The Project It will be predominantly screened by vegetation and mitigated by distance from receptors. It produces minimal and infrequent traffic.

- (5) Off-street parking areas. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum and adequate safety.**

The Project does not require off street-parking other than for occasional maintenance activities.

- (6) Safety and Accessibility. The proposed use will not cause undue traffic congestion, unduly impair pedestrian or vehicular safety, or overload existing roads, considering their current width, surfacing, and condition, and will be accessible to fire, police, and other emergency vehicles. Road access points will have sufficient sight distances to assure visibility of vehicles.**

The Project will not cause undue traffic congestion, unduly impair pedestrian or vehicular safety, or overload existing roads. Construction activities will be temporary, and after construction, the Project will generate an insubstantial amount of trips and only those limited to maintenance. Applicant will obtain all necessary roadwork permits from the appropriate jurisdiction to construct the access point.

- (7) Utilities and Natural Resources. The proposed use will not overload any public**

**water, drainage, or sewer system, or any other municipal facility, or degrade any aquifer, natural resource, or ecosystem.**

The Project does not require public water or sewer. The Project is designed to avoid the wetlands on the Property. The Project will not detriment public utilities but rather enhance them through provision of renewable energy in furtherance of New York State goals.

**(8) Conditions on Layout and Design. The proposed use will be consistent with any applicable overlay zone requirements and design guidelines, and will be subject to such conditions on design and layout of structures, provision of buffer areas, and operation as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town. Where water and sewer services are available and where feasible, the board may require development to be clustered in the pattern of a traditional hamlet with visually or environmentally important open space preserved by a deed restriction or conservation easement. Where water and sewer utilities are not available, the board shall encourage such a pattern to the extent feasible.**

The Project requires one area variance, which the ZBA granted, finding that the benefit to the Applicant outweighed any detriment to health, safety, and welfare of the community. The Property's use as a solar array will not compromise any natural, historic, or scenic resources of the Town. The Project will not be visible from any roadway or historic structure.

It is anticipated that the site would be visible from public vantage points elevated above the site, e.g., Shawangunk Ridge parklands. Minnewaska State Park, Shawangunk Ridge, and Shawangunk Mountains Scenic Byway are within 5 miles of the site. Given topographic conditions, the solar facility would not be visible from the scenic byway. However, it will likely be visible from publicly accessible trails along Shawangunk Ridge and Minnewaska State Park given the park's elevation above the valley. In June 2024, C.T. Male supplemented its Visibility Analysis with profiles from Getrude's Nose, Sam's Point, and Sky Top Tower. The solar facility would likely be visible from Getrude's Nose, which is one of the closest vantage points within the park system as well as other points close to Gertrude's Noise, e.g. Millbrook Ridge. While the solar array will be visible, the Planning Board finds it is sufficiently distant to not represent an adverse visual impact.

**(9) Comprehensive Plan. The proposed use will be consistent with the goals of the Comprehensive Plan, as amended.**

The Project achieves several goals of the Town of Shawangunk Comprehensive Plan, July 2003 adopted May 2021 ("Comprehensive Plan"). The Comprehensive Plan emphasizes the importance of preserving agricultural land, protecting scenic



viewsheds and rural features, and promoting economic growth through responsible, sustainable development (Comprehensive Plan, Executive Summary, Goal 1, 2, and 7, Page 2; Section 2.4, Goal 2.1, Page 19). Here, stormwater management facilities are designed to prevent flooding and handle runoff and storm events; no active agricultural land is used; viewshed is maintained and impacts are mitigated through strategic landscaping and distance. Importantly, the tree clearing has been vetted and narrowed to fit the solar array, the property, and Town comments and Comprehensive Plan. First, the Comprehensive Plan Goal B-5 calls for development west of the Wallkill River that will protect the quantity and quality of the water supplies available for private wells. This Project activates this predominantly unimproved parcel with a high-value, low-impact use that does not use any well water (or any water) and would not otherwise impact water resources for the community. Comprehensive Plan p. 14. Also, Comprehensive Plan Goal E-4 is achieved because this is a relatively small-scale development in an appropriate zoning district. Comprehensive Plan p. 15. As the Comprehensive Plan was adopted in 2003, it does not specifically mention solar or renewable energy; however, the Comprehensive Plan sets forth the goal to revise the list of special uses permitted in the Town Zoning Code to "attract new sources of livelihood and tax rateables [sic] that would not be allowed in the Town under the current [2003] list [of specially permitted uses]." Comprehensive Plan p. 35. When the Solar Law was adopted in April 2018, the Project became specially permitted at the Property, and development of the Property as an array fits squarely into the purpose of the Comprehensive Plan goal to revise the list of specially permitted uses and attract new sources of livelihood for the Town. Ultimately, the Project still achieves/further goals of the Comprehensive Plan because overall, the Project does not undermine agriculture, introduce traffic, or take water resources; it is not in an overlay or stewardship zone; and it does not detract from scenic resources or any other defining element of Town character. See Comprehensive Plan pp. 7, 14-15, 29, 30-32.

#### **Zoning Code Section 177-23.1(B) Solar General Requirements**

- 1. All solar energy systems require a building permit and Certificate of Compliance and all solar energy system installations shall be performed by a qualified solar installer. All Large Scale Solar Systems shall first obtain a Special Use Permit and Site Plan approval from the Planning Board of the Town.**

Applicant understands and agrees to apply for a building permit and Certificate of Compliance following installation. The installation of the Project will be completed by a qualified solar installer.

- 2. A solar energy system connected to the utility grid shall provide written proof from the local utility company acknowledging the solar energy facility will be interconnected to the utility grid. The plans for such connections must be submitted and the application must include the details of all such connections that are on or off-site. Any connection to the public utility grid must be inspected by the appropriate**

public utility.

Applicant submitted both a Single Line Diagram and Central Hudson CESIR Letter to the Planning Board, both of which document the proof of local utility connection and the design of said connection. Applicant will work with Central Hudson on necessary inspections.

- 3. Solar energy systems shall meet New York's Uniform Fire Prevention and Building Code, National Electrical Code standards and other applicable laws and regulations, as they now exist or as they are amended.**

Applicant understands. As designed, the Project is compliant with New York's Uniform Fire Prevention and Building Code and National Electrical Code standards. Shawangunk Valley Fire District Commissioner Jim Miller testified at the November 5, 2025, Planning Board public hearing. He stated that the site plan had been reviewed and the district has no further comments on the plan, but requested that the Applicant be required to provide fire district training on how to address an emergency/fire event at the facility. The Planning Board finds that with the requirement to provide fire training and with the design measures described herein, there will be no significant adverse impact on community facilities.

- 4. A plan showing the location of the components of the solar system and other equipment including connections to the existing grid. This plan should represent relative location of components at the site, including, but not limited to, location of array, existing electrical service location, utility meter, inverter location, system orientation and tilt angle. This plan shall show access and pathways that are compliant with New York State Fire Prevention and Building Code, if applicable.**

Applicant's revised Stamped Civil Site Plan is compliant with New York State Fire Prevention and Building Code and depicts the location of the array, the connection to the existing electrical grid and the array meters, inverters, system orientation and tilt angle (see Sheets G-101, C-102, C-103 and Single Line Diagram).

- 5. All diagrams and plans must include the following: (a) Project address, section, block and lot number of the property; (b) Owner's and, if different, the operator's name, address and phone number; (c) Name, address and phone number of the person preparing the plans; and (d) System capacity in MW- kWDC.**

These elements are all depicted on Applicant's revised Stamped Civil Site Plan (see e.g. Sheets G-101 and C-102).

- 6. Prior to operation there must be filed with the Town proof of electrical connections being inspected and approved by an appropriate electrical inspection person or agency, as determined by the Town of Shawangunk Building Inspector.**

Applicant understands. Applicant will submit proof of electrical inspection



following conversations with the Town of Shawangunk Building Inspector.

**Section 177-23.1 (C) Safety Requirements**

1. Solar energy systems shall be maintained in good working order.
2. All solar energy systems shall be designed and located to prevent reflective glare from impacting roadways and contiguous properties to the maximum extent practicable. For Small-Scale Systems, the Code Official may require screening to mitigate adverse impacts. For Large Scale Systems, the Planning Board may require the same pursuant to its Special Use/ Site Plan review.
3. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town of Shawangunk and other applicable laws and regulations.
4. Relevant Information must be provided to the fire department or company that is obligated to respond to a call from that location prior to the issuance of a Certificate of Compliance.
5. Weather resistant signage shall be installed and maintained to allow emergency responders to isolate the solar electric system and to comply with all other state and national codes and standards.

Applicant understands and is committed to ensuring the Project is kept in good working order. The Project is designed to minimize glare: all panels have anti-reflective glare coating and have been sited to minimize glare on neighboring properties. No batteries are proposed for the Project. Applicant has provided all relevant information to the Fire Department concerning the Project and is committed to working with the Fire Department going forward. Shawangunk Valley Fire District Commissioner Jim Miller testified at the November 5, 2025, Planning Board public hearing. He stated that the site plan had been reviewed and the district has no further comments on the plan, but requested that the Applicant be required to provide fire district training on how to address an emergency/fire event at the facility. The Planning Board finds that with the requirement to provide fire training and with the design measures described herein, there will be no significant adverse impact on community facilities. Finally, Applicant will install weather resistant signage as depicted in its revised Stamped Civil Site Plan – see Sheet C-501.

**Section 177-23.1(E)(1) and (2) Standards for Large Scale Solar Systems as a Special Use with Site Plan approval**

- (1) Large Scale Solar Energy Systems are permitted through the issuance by the Planning Board of a Special Use Permit and Site Plan approval within the R-Ag 1, R-Ag2 and R-Ag 4 zoning districts, subject to the requirements set forth in this section, and in Articles VI and VII of this Zoning Law. Notwithstanding, due to the historical, aesthetic and agricultural attributes of the Borden Home Farm Historic Overlay (BH-O) zoning district (See 177-6 (M) of this Zoning Law), Large Scale Solar Systems are

not permitted within the BH-O district nor are they permitted within the sensitive Ridge Stewardship districts. Large Scale systems are defined as those ground-mounted systems producing energy primarily for offsite use, sale or consumption. Large Scale facilities shall not be considered to be a public utility, an essential service or any other use contained in this Zoning Law other than as herein set forth.

- (2) Special Use and Site Plan Permit Application Requirements. A Special Use Permit and Site Plan application, must include the general requirements found in Articles VI and VII of this zoning law and at least the following additional requirements:
- a. If the property of the propose project is to be leased or otherwise operated by other than the land owner, legal consent among all parties, specifying the use(s) of the land for the duration of the project, including easement and other agreements, shall be submitted. Financial data, option and rental payment, may be redacted from this submittal.
  - b. A Site Plan showing the layout and specifications of the Solar Energy System signed by a Professional Engineer or licenses Architect. Indicate the size of the facility in MW and indicated whether the system is stationary or tracking.
  - c. The equipment specification sheets shall be documented and submitted for all photo voltaic panels, significant components, mounting systems, and inverters that are to be installed.
  - d. A Full Environmental Assessment form (Full EAF) shall be submitted.
  - e. Application fees and escrow for review fees shall be set and amended by Resolution of the Town Board and shall be submitted with the application. Escrow shall be replenished as needed. Applicants shall be provided with an accounting of the costs of review anytime upon written request.
  - f. Photo simulations as required by the Planning Board shall be included showing the proposed solar energy system in relation to the building/site along with elevation views and dimensions, and manufacturer's specifications and photographs of the proposed solar energy system, solar collectors, and all other components so that the Planning Board can conduct a complete Visual Impact Assessment.
  - g. Details of the proposed noise that may be generated by inverter fans. The Planning Board may require a noise analysis to determine potential adverse noise impacts.
  - h. A Wildlife Management plan shall be submitted.
  - i. The Planning Board is authorized to review the entire parcel upon which a Large Scale System is proposed so that the Planning Board can evaluate whether or not the proposed layout on the particular parcel meets all of the other objectives of this Section 177-23.1.

Applicant has provided all of the above required documentation to the Planning Board including the following: (a) property deed and recorded memoranda of lease, (b) a revised stamped civil site plan, (c) equipment specification sheets, (d) a FEAF, (e) payment of escrow funds as required for Project review, (f) a noise report, (e) a wildlife and habitat review, and (i) all relevant information on the Project parcel.



**Section 177- 23.1(E)(3) Special Use Permit Standards.**

- a. **Height and Setback.** The height of the Large Scale Energy Systems shall not exceed fifteen (15) feet above natural grade when oriented at maximum tilt. Setback requirements shall be fifty (50) feet from a side lot line, fifty (50) feet from a rear lot line and fifty (50) feet from a front lot line for all components of the facility except the fencing and the perimeter vegetative buffer per Section 3(d) below. Additionally, all inverters shall be setback the lesser of 100' or until the electro-magnetic field (EMF) meets a background level determined by the Planning Board to be acceptable

The Project complies with all setbacks. The maximum panel height for the Project is 15 feet. The minimum 50-foot setback is maintained around the property, with the closest setback being 71 feet. The Projects inverters are also setback over 100 feet. See Sheet C-102.

- b. **Area of Use / Lot Coverage.** The area of use or lot coverage for a Large Scale Solar Energy System shall be not more than 50% of the parent parcel lot area after application of the minimum lot area calculation per Zoning Law Section 177-11 with a maximum of twenty (20) acres of solar panels, systems. A parent parcel shall not be subdivided to create independent lots for the purpose of proposing more than one (1) Large-Scale System. Additionally, to avoid a proliferation of these systems in any one area, Large-Scale Systems shall not be located closer than one thousand (1000) feet to one another.

The Project complies with lot coverage requirements. The Project is also over 1,000 feet from the nearest Large-Scale System. See Sheet C-102.

- c. **All solar energy production facilities shall be designed and located in order to prevent reflective glare onto roadways or adjacent structures. All support systems shall be non-reflective or painted an earth-tone color.**

The Project is designed and located to prevent reflective glare onto roadways and adjacent structures. The solar panels are constructed with an anti-reflection coating. Additional vegetative screening is proposed on the north and east boundaries to shade any possible glare from adjacent properties.

- d. **A minimum fifty (50) foot perimeter vegetative buffer; except for the area of roadway access; which buffer may be partially or totally within the perimeter lot line setback, consisting of natural and undisturbed vegetation, supplemented with evergreen plantings, as may be required by the Planning Board, shall be provided around all mechanical equipment and solar panel arrays to provide screening from adjacent properties and Town, County and State highways.**

The Project complies with this requirement utilizing two large supplemental planting and vegetative screening areas along the entry point to the property coming

off Bruynswick Road. The planting schedule, see Sheet C-105, outlines how these supplemental plantings pairs with existing vegetative cover to shield Project views.

- e. **A land grading and vegetation clearing plan shall be submitted and must include all connections to the existing grid whether on-site or off-site. Connections to the existing grid shall be via underground facilities unless the Planning Board, in its sole discretion and for good cause, waives this requirement. Clear-cutting of mature trees shall be limited to the area of the panel array, the equipment compound, the area of access roadways and the area required for solar access and in no case more than ten (10) acres per parcel. If clearing occurs within a three (3) year period before an application is filed, the Planning Board is authorized to review historical aerial views or other data to apply the ten (10) acre limitation retroactively.**

Applicant sought and received an area variance from the Town Zoning Board of Appeals concerning the tree clearing limitation on November 19, 2025. Applicant complies with all other requirements of this section.

- f. **Non-invasive, native ground cover under and between the rows of solar panels shall be low-maintenance, drought-resistant, non-fertilizer-dependent and, where required by the Planning Board, shall be pollinator-friendly to provide habitat for bees.**

Applicant is committed to using non-invasive native ground cover as detailed in the Project's Property Operation and Maintenance Plan and Erosion and Sediment Control Plan. Further, no use of herbicides is proposed for the project. Vegetation within the project fence line, within 25 feet of the fence line and around the screening landscaping will be maintained by mowing or mechanical removal 2 to 3 times each growing season.

- g. **Debris, materials and/or mulch generated by site clearing or construction shall not be stockpiled onsite.**

Applicant will not stockpile onsite; all impacts from construction will be temporary.

- h. **All local stormwater regulations shall be complied with. The applicant shall comply with the State Pollutant Discharge Elimination System guidelines. If determined to be required, a SWPPP (Stormwater Pollution Prevention Plan) shall be prepared and a stormwater, erosion, and slope analysis of the land shall be required to be assessed by a New York State licensed professional engineer for the site and any road used to access the site.**

Applicant will comply with all local stormwater regulations and SPDES guidelines. A licensed professional engineer has also prepared and submitted a SWPPP for the Project [which has been reviewed by the Planning Board engineering consultant](#).



- i. **All Large Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. The fencing may be installed within the required setback. The type of fencing shall be determined by the Planning Board. The fencing and the system may be further screened by any landscaping and/or berming needed to avoid adverse aesthetic impacts. Other limitations on fence height elsewhere cited in this Zoning Law shall not be applicable here.**

The Project is enclosed by a fence. See Sheet C-102. The fence for the Project is an 8' woven wire deer fence with a 6-inch wildlife gap at the bottom. See Sheet C-501.

- j. **Signs. All signage shall be weather-resistant and replaced as needed. Signs no greater than two square feet indicating the name of the facility owner(s) and a 24-hour emergency telephone number shall be posted in prominent locations. In addition, "No Trespassing" or other warning signs may be posted. All signage shall be maintained in legible condition and contain accurate information. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. No signage of any kind shall be allowed to be attached to solar panels or support structures, except any required safety warnings. Signage shall be provided advising emergency responders in respect of isolation of the solar electric system. All other signage required by the National Electric Code (NEC) shall be installed and maintained.**

All signs are weather resistant and compliant with NEC and this subsection. See Sheet C-501.

- k. **Property Operation and Maintenance Plan. Such plan shall describe continuing system maintenance and property upkeep, including mowing and trimming. Herbicides shall not be used except where the Planning Board finds that it is not practical to use mechanical means to control vegetation.**

Applicant submitted a Property Operation and Maintenance Plan which details all systems maintenance and upkeep. Applicant will not use herbicides for vegetative maintenance.

- l. **A Decommissioning Plan, as detailed in Section F below shall be prepared. Compliance with this plan shall be made a condition of the issuance of a Special Use Permit under this section.**

Applicant understands and consents to such a condition. Applicant has provided a code compliant Decommissioning Plan to the Planning Board [which will be finalized as a condition of this decision.](#)

- m. **In the event an owner or developer of a Large Scale Solar Facility provides written notification pursuant to New York Real Property Tax Law (RPTL) Section 487(9)(a)**

to any taxing jurisdiction of its intent to construct such Large Scale Solar System, the Planning Board shall simultaneously be provided a copy of such notification by such owner or developer as part of any Special Use Permit and Site Plan application hereunder, and in such event, the Special Use Permit and Site Plan application shall not be complete until such written notification is provided to the Planning Board. The owner or developer must also provide a copy of such written notification under the RPTL Section 487 (9)(a) to the Town Clerk and to the Town Board. Unless the Town has opted out of the RPTL Section 487 exemption, it is the intent of the Town of Shawangunk to require a contract for payments in lieu of taxes (PILOT) for all Large-Scale Solar facilities and no application shall be deemed complete until the project sponsor acknowledges in writing that a PILOT will be required, unless the Town has opted out of the RPTL Section 487 exemption.

Applicant acknowledges the requirements of this section.

**n. Documentation of utility notification, including an electric service order number.**

Applicant has provided both a Single Line Diagram and Central Hudson CESIR Letter to the Planning Board. Applicant continues to talk with Central Hudson about the Project and will keep the Planning Board updated on these discussions.

**o. Large Scale systems shall be sited to avoid productive farmland, steep slopes, ridgelines, the viewshed from the Shawangunk Mountains Scenic Byway, wetlands and may not be erected on lands that are permanently designated as open space. In connection with its analysis of productive farmland, the Planning Board shall require that soil types, soil classifications, such as "prime" and "lands of statewide importance", and current agricultural land uses be provided. For the purpose of this local law, productive farmland shall be analyzed against the following uses provided in their order of importance to the Town:**

- Active rotational farmland
- Permanent hayland
- Improved pasture
- Unimproved pasture
- Other support land
- Abandoned farmland

The Project is not located in an agricultural district or on active farmland/agricultural land. It is designed around the 0.35-acre federal freshwater wetlands in the southwest corner of the Property, and it does not obstruct or undermine any scenic or aesthetic resource.

**p. Site lighting shall be shielded to prevent glare and the details of all fixtures and candle-power shall be provided.**

The Project fully complies with the requirements of this section.



q. All recipients of Special Use permits issued by the Planning Board for Large Scale Solar Systems shall register with the Town Building Department. Registration shall be effective for a five-year period, with renewal required prior to expiration date. Recertification shall be required for years two through five as described in this chapter. The Town of Shawangunk desires to develop a registration system to ensure all large scale solar energy production facilities are properly maintained and to ensure all owners properly maintain and inspect their facilities. All owners of large scale solar energy production facilities located in the Town of Shawangunk shall be required to register the facility upon the granting of a Certificate of Compliance. The local large-scale solar energy production facility registration system shall be administered by the Building Department of the Town. The Town Board may establish a fee structure for the registration which may be amended by resolution from time to time. The owner and any and all lessees, renters, and/or licensees of large scale solar energy production facilities shall agree in writing to allow the Code Enforcement Officer / Building Inspector access to inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification, and maintenance of such facilities, including, but not limited to, solar panels, support structures, and buildings or other structures constructed or located on the permitted site to verify compliance with the conditions of the Special Use Permit and any applicable technical, safety, fire, building, and zoning codes, laws, regulations, and other applicable requirements. Registrations shall be required to be renewed beginning with a period of time ninety (90) days prior to expiration and not less than thirty (30) days prior to expiration. The owner shall provide notice to the Town of Shawangunk of any changes in registration information within thirty (30) days of such change.

- Registration Requirements. The owner shall provide and certify to the Town the following:
  - (a) The name, mailing address, phone number, email address, and an emergency contact name for the corporation or owner of the solar energy production facility.
  - (b) The name, mailing address, phone number, email address, and an emergency contact name for each entity which leases space from the facility owner.
  - (c) Written certification the large-scale solar energy production facility is in compliance with the Special Use Permit and in compliance with all applicable codes, laws, rules, and regulations
  - (d) Written certification that onsite vegetation has been maintained to ensure the desired screening effect.
  - (e) Annual Certification. Recertification by the facility owner of the following information shall be required for each year of each registration period and be due on the anniversary date of registration.

- 1). The name, mailing address, phone number, email address, and an emergency contact name for the corporation or owner of the solar energy production facility.
- 2) The name, mailing address, phone number, email address, and an emergency contact name for each entity which leases space from the facility owner.
- 3) That the large-scale solar energy production facilities are in compliance with the Special Use permit approval and in compliance with all applicable codes, laws, rules, and regulations

Applicant acknowledges the requirements of this section and will provide the above information to the Town and register the Project with the Town. Applicant acknowledges the re-registration requirements and change notice requirements.

- r. **Notification of Termination of Use.** Every Special Use Permit granted for a large scale facility shall require that the facility owner and its successors and assigns notify the Building Inspector, in writing, within 30 days of the discontinuance of use of the facility. Failure to notify and thereafter remove the facility and all appurtenances shall be deemed a violation punishable under applicable provisions of the Town of Shawangunk Zoning Law or under any other applicable law, rule or regulation. Notwithstanding this provision, the Building Inspector shall have the right to independently investigate any discontinuance of the facility and render a written determination setting forth the extent, duration and facts evidencing the discontinuance of the facility. Upon rendering said written determination, written notice of the determination shall be provided to the owner and the lessees of the facility and the owners of the real property upon which the facility is situate by certified mail, return receipt requested. If the owner requests a hearing before the Town Board, the Town Board shall schedule the same on written notice to the owner. One hundred twenty (120) days after receipt of the Town's notice of the determination, the Building Inspector and the Town of Shawangunk may have the facility removed from the site in accordance with all applicable laws including the provisions of Section G below.

Applicant acknowledges the requirements of this section.

- s. **For community solar projects, the Planning Board has the authority to require that the applicant open subscription services to Town residents before offering subscriptions to others.**

The Project is a community solar project, and as a result, Central Hudson Customer and Town Residents may subscribe to community solar programs to see savings on utility bills. Power generated from the array is available within Central Hudson.



**Section 177-23.1(F) Decommissioning Plan for Large Scale Solar Energy Systems**

1. Any use which requires approval by the Planning Board shall include a Decommissioning Plan approved by the Planning Board
2. The Decommissioning Plan shall specify that after the Large Scale Solar Energy System will no longer be used, it shall be removed by the applicant or any subsequent owner and shall include a signed statement from the party responsible for completing the Decommissioning Plan acknowledging such responsibility.
3. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction including reseeded and/or reforestation of areas that were cleared of mature trees.
4. The plan shall state that disposal of all solid and hazardous waste shall be in accordance with local, state, and federal waste disposal regulations.
5. The plan shall include an expected timeline for execution.
6. The plan shall include a cost estimate detailing the projected cost of executing the Decommissioning Plan prepared by a Professional Engineer or Contractor and approved by the Town Board upon the advice of the Planning Board. Cost estimations shall take into account inflation. The cost estimate shall be reviewed periodically and updated, as needed.
7. Removal of Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Solar Energy System is not decommissioned after being considered abandoned, the provisions of Section G below shall apply.
8. The Decommissioning Plan shall propose the posting of performance security acceptable to the Town which security shall be maintained for the life of the project and which shall be reviewed from time-to-time and may be modified as circumstances change.

**Section 177-23.1(G) Abandonment and Removal of Large Scale Solar Energy Systems**

1. Any Large Scale solar energy facility which ceases to operate or has been decommissioned shall be wholly removed from the site. "Ceases to operate" is defined as not performing all normal functions associated with operation of the solar energy facility and its equipment on a continuous basis for a period of one year.
2. In the event the solar energy facility is not so removed, the Town Board, upon notice from the Code Enforcement Officer / Building Inspector may give written notice to the owner of the real property underlying such facility as follows:
  - a. stating that the solar energy facility is considered abandoned, and
  - b. setting a time, date and place for a public hearing. Such public hearing shall be on not less than thirty days notice to such owner. Upon a finding that the solar energy facility has been abandoned, the Town Board shall deliver written notice to the property owner indicating the reasons for its finding, and directing that the solar energy facility be removed within one hundred twenty (120) days. In the event that the solar energy facility is not so removed, the Town Board may take all lawful actions to cause such facilities to be removed.
3. Upon recommendation of the Building Inspector, the Town Board may waive or defer the requirement that a solar energy facility be removed if it determines that retention of such facility is in the best interest of the Town.

4. Should the Town remove or cause to be removed the solar energy facility pursuant to this subsection or pursuant to subsection E(3) r above; the Town shall assess, levy and collect the reasonable costs and expenses of the same, including reasonable attorney and other professional fees, against the owner and/or applicant. If the owner of said property does not pay said charges, they shall be included as a part of the next town tax bill, and said charge shall be assessed, levied and collected in the same fashion as other Town taxes.

Applicant has provided a Decommissioning Plan to the Planning Board which details how Applicant will remove all infrastructure and remediate the site and plant additional trees on the site as part of decommissioning. Applicant has committed to fund decommissioning through a bond to be established with the Town prior to the issuance of the building permit. Applicant understands that if the Solar Energy System is not decommissioned after being considered abandoned, the provisions of Section G will apply to the Project.

**II. The Planning Board hereby approves the Site Plan as requested by the Applicant, subject to the following conditions:-**

- i. Final site plan. Submission of a full final site plan in proper form, including a fully designed SWPPP, revised so as to conform with the conditions of approval set forth herein, and signed by the Applicant and the duly licensed professional who prepared the site plan, and to be signed by the Planning Board Chairperson. The final site plan set shall include all sheets prepared for this project, including the landscaping plan.
- ii. Final review. Prior to the Planning Board Chair signing the site plan, the Town Engineering Consultant, Town Planning Consultant, and Town Attorney shall review the site plan to confirm that all conditions of this approval and all comments in review memoranda have been addressed to their satisfaction. The Town Attorney shall conduct final review of all notes that appear on the plans. The site plan shall not be signed until all outstanding application, escrow review, and other fees applicable to review and approval of the site plan application are paid.
- iii. SEQRA. The final site plan shall be consistent with the Negative Declaration adopted by the Planning Board and all of the terms, conditions, representations, assumptions, and conclusions of the Negative Declaration are made a part of this Resolution as if fully repeated here. Any significant revisions to the site plan or any new information not previously submitted may necessitate additional SEQRA review.

**III. The Planning Board hereby approves the Special Use Permit as required by the Applicant, subject to the following conditions:**

- i. Host Community Agreement:
  - a.—USLE shall enter into a Host Community Agreement to the satisfaction of the Town Board and Town Attorney which shall call for the majority



of the funds to procure and plant trees around the Town;

a.

~~ii-b.~~ The Host Community Agreement shall call for payment to be made to the Town at the time a Building Permit is issued, tree clearing occurs if no building permit is required, or not later than December 31, 2026, whichever first occurs;

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ii. The Decommissioning Plan:

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a. The Decommissioning Plan shall call for reforestation of the site upon its decommissioning;

b. Prior to the issuance of a building permit, the Town Attorney shall conduct a final review of the Decommissioning Plan, and ~~in~~ an amount to be recommended by the Planning Board to the Town Board as a performance security, which Plan shall include a signed statement from the party responsible for completing the Decommissioning Plan acknowledging such responsibility and a separate three way Agreement (Applicant, Town, and Property Owner) and as reviewed by the Town Engineer, shall be fully executed prior to the issuance of a building permit.

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~~iii-c.~~ The Applicant shall post a performance security acceptable to the Town which security shall be maintained for the life of the project and which shall be reviewed from time-to-time and may be modified as circumstances change in order to assure the facility will be decommissioned in accordance with the requirements of the Zoning Law. Per Zoning Law 177-23.1(F)6, the Town Board is to approve the amount of such security upon the advice of the Planning Board. The security must be posted prior to issuance of the building permit.

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iii. Operation and Maintenance Plan. Prior to the issuance of a building permit, the Applicant shall provide the Planning Board with a written Operation and Maintenance Plan for the project.

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iv. Additional Permits:

a. NYSDEC SPDES MS-4. Prior to issuance of a building permit the Applicant shall obtain coverage under an issued NOI and obtain other required approvals from the Town Engineering Consultant and relevant officials of an approved final SWPPP for the project.

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b. Ulster County DPW Driveway Permit. Prior to the issuance of a building permit the Applicant shall obtain any required approvals and a Section 136 Permit under the Highway Law of New York State, from the Ulster County DPW for use or improvement of the project's access to Bruynswick Road.

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v. General Construction Conditions:

a. All utilities shall be buried underground except for the connection to the overhead poles owned by Central Hudson or as otherwise noted on the final site plan.

b. All landscaping shall be installed at the earliest seasonal opportunity during construction to maximize survival and growth. Fencing shall be installed promptly after landscaping.

- c. Lighting shall not be installed as part of this site plan.
- vi. General Project Operation Conditions:
  - a. Battery Energy Storage is Prohibited as part of the Project and otherwise prohibited within the Project area.
  - b. On-site landscaping shown on the site plan shall be maintained for the life of the use and vegetation and grasses around and within the landscaping area shall also be brush hogged annually or otherwise maintained as set forth in the Operations and Maintenance Plan.
  - c. USLE Shall conduct training with the Shawangunk Valley Fire Department prior to commercial operation.
  - d. The large-scale solar facility shall be registered with the Town Building Department and said registration shall be effective for a five-year period, with renewal required prior to the expiration date, and that the amount set forth in the decommissioning plan be reviewed and adjusted as necessary and, at a minimum, at such time that the facility is recertified.
  - e. The large-scale solar facility shall be recertified from years two through five as set forth in the Zoning Law.
  - f. The Applicant shall notify the Building Inspector, in writing, within 30 days of the discontinuance of the use of the facility as set forth in the Zoning Law.
  - a.g. Operation of the Project must be in continuous compliance with the Zoning Code § 177-23.1 et seq. as amended; and,
  - iv.i. USLE Shall conduct training with the Shawangunk Valley Fire Department prior to commercial operation.
- vii. Conditions for Revisitation by the Planning Board:
  - a. In the event that any reviewing agency and/or permitting agency substantially modifies any of the plans or denies a required permit or states in writing, Applicant hereby represents that said Applicant shall reappear before the Town of Shawangunk Planning Board in order to rectify the matter to the satisfaction of the Planning Board and said permitting or authorization authority prior to issuance of a Building Permit.
  - b. The Approvals and all associated conditions set forth within this Resolution/Decision shall inure to the benefit of and bind the heirs, executors, successors and/or assigns of the Applicant.
- viii. All the assumptions, findings and conclusions of the SEQRA negative declaration are hereby incorporated into this decision as if set forth fully here.

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**IV. This resolution is effective immediately.**

Resolution offered by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, adopted on a vote of 0 ayes, 0 nays, 0 abstentions, no members being absent.

Planning Board Member	Roll Call Vote			
	Aye	Nay	Abstain	Absent



Richard Barnhart, Chair				
Ryan Reid, Deputy Chair				
John Leonette				
Sal Patella				
John Szarowski				
Tom Tango				
Todd Widmark				

~~The Planning Board hereby directs the Planning Board Secretary to circulate this Negative Declaration to all involved agencies and publish same in the NYSDEC Environmental Notice Bulletin.~~

This resolution was/was not thereupon declared dully adopted.  
December 2, 2025

This Resolution was filed in the Town Clerk's  
Office on the \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Town Clerk,