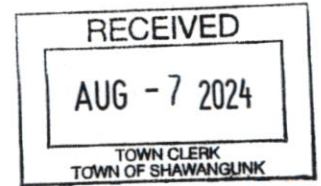


Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Town Office Building, 14 Central Avenue, Wallkill, New York, on Tuesday, 2nd day of July 2024.

Those present were: Sal Patella
Todd Widmark
John Szarowski
John Leonette
Mark Watkins, Chair



Those absent were: Rich Barnhart
Ryan Reid

Also Present: Michael Voss, Town Judge, Rich Hoyt, Esq., Town Attorney; Bonnie Franson, AICP CEP, Town Planning Board Consultant. Please see sign-in sheet for rest of attendees.

Meeting location: Town Hall, 14 Central Avenue, Wallkill, NY 12589

Open Regular Meeting: 7:00 pm

Emergency Exits Announcement

Pledge of Allegiance

Approval of Minutes of June 4th, 2024

A first motion was made by John Szarowski and seconded by John Leonette to approve the Meeting Minutes of June 4th, 2024. Vote: All Ayes: 5, Abstain: 0, Absent: 2

Mr. Watkins stated he would like to address Mr. Darren Doce's 90-day extension regarding the Brander – Wildrick Road application. The previous extension was granted until August 2nd, prior to our next Planning Board meeting on August 6th. The extension will be to complete the road and turn around. The bond dollar amount will be discussed and forwarded to the Town Board so it can be accepted.

A first motion was made by Todd Widmark and second by Sal Patella to accept a 90-Day Extension starting August 2nd to October 31st to complete Wildrick Road turn around. Vote: All Ayes: 5, Abstain: 0, Absent: 2

PUBLIC HEARING:

Mr. Joseph Russek - Third Generation Homes (Applicant No. 2023-14):

SBL: 104.1-3-27, 2.3 acres, Address: Corner of Weed Road and NYS Route 52 in Walker Valley, Commercial Site Plan 4,900 sq. ft. for a restaurant with one business and three entities, and one apartment with parking. Property Class: Vacant, SB (Small Business), Pine Bush School District, Walker Valley Fire Company

Entered into Record:

- Memo dated June 30th from Bonnie Franson, AICP CEP and Danielle Dreyer, Planning Analyst
- Letter dated May 15, 2024 from the Department of Health and Site Plan Map, and Environmental Assessment Form from Steven Green, Land Surveyor
- Memo dated June 4, 2024 from MHE Engineering, Mr. Shawn Arnott, P.E.

Mr. Joe Russek stated he is proposing a 4,900-square-foot commercial building with one apartment above it on a 2.4-acres in the SB district of Walker Valley and Weed Road. The commercial building will consist of one restaurant that will have a barbeque, fire pizza, and a brewery.

Town Engineer Meeting:

Mr. Watkins stated he would like the Town Engineer and the Town Planner to speak with Mr. Russek's Engineer due to recurring things that keep coming up. The meeting between the Engineers and Town Planner will address the issues and keep the project moving forward. Mr. Steven Green stated as soon as he returns from vacation. Ms. Bonnie Franson agreed to the Engineer meeting in order for the project to be expedited.

Apartment Above Business:

Ms. Franson questioned the number of apartments and asked for clarification for record and for the public. Mr. Green stated it is only one apartment. Ms. Franson stated she will take a look at everything to see if anything needs to be corrected to say one apartment. Mr. Russek stated there are three separate business entities that work together and a single apartment above.

Wetlands:

Ms. Franson questioned the wetland on a different property and the buffer was coming out onto Mr. Russek's property and if it was going to be mapped? Mr. Green stated the DEC would not flag it and Mr. Russek had sent me paperwork on it from the DEC and should have been handed out. Mr. Green stated we are not in the buffer except for the entrance and we have to get an application to the DEC.

Entrance from Weed Road:

Ms. Franson stated the Highway Superintendent requested the entrance be further away from the intersection. Mr. Russek stated yes, for the sight distance so we had to move it back and we have one more permit to pull.

Net Lot Area:

Mr. Russek stated there was an email from the DEC about a stream in back of property. This is not a stream, but a ditch. Ms. Franson questioned if that was put on the map and sent to the DEC also? Mr. Russek stated the DEC went to the location, picked out a spot and said where the 100' regulated area is located. Ms. Franson stated she will check that.

Lighting and Landscaping:

Ms. Franson questioned the lighting and landscaping plans that are needed. Mr. Green stated this has been addressed with the Engineer but he has not been around for us to follow-up.

Comments and Legal Notice:

Mr. Hoyt stated for the record, Ms. Franson's written comments are being addressed from her memo dated June 30th (4 Pages) and Mr. Shawn Arnott, Engineer written comments from today, (1 Page) dated July 2nd. Also, for the record, a Legal Notice was published and sent out by certified mail. Mr. Watkins questioned if there was anyone from the public here to comment on this project? No comments from the public.

A first motion by Todd Widmark and a second motion by John Szarowski to continue the public hearing to next month's August 6th Planning Board meeting at 7:00 PM. Vote: All Ayes: 5, Abstain: 0, Absent: 2

Mr. Watkins stated because this is a continuation of a public hearing, there will not be a legal notice in the paper again or mailed to the neighbors.

Road Access:

Mr. Green questioned Ms. Franson's written comment if it was referring to the state or local highway? Ms. Franson questioned if we had an email that the Town Highway Superintendent is good to go with the road location? Mr. Russek stated he will make sure that it is documented. Both Mr. Russek and Ms. Franson stated there were discussions in the office about access. The DOT reviewed as well and provided a letter per Mr. Russek.

Coordinated Review / Circulation:

Mr. Hoyt stated he believes the Planning Board decided not to conduct a coordinated review from April 2nd Planning Board meeting. Ms. Franson stated we decided on a coordinated review for Lead Agency circulation (see minutes from June 4). The Short EAF will be circulated once it is reviewed.

Mr. Watkins stated we have to get the application in order to send to GML for review. Ms. Franson stated she will coordinate in case there are changes.

APPEARANCES:

Robert Glas & James Stagliano – Lot Line Adjustment (Applicant No. 2024-09)

SBL: 104.1-3-19, Acres: 7.2 and 104.1-3-20, 100 x 100; Addresses: 31 & 27 Weed Road, Walker Valley, Total Acres: 7.4585, Zoning District: R Ag-2, School District: Pine Bush, Fire District: Walker Valley Fire

Mr. Martin (Rick) Anthonisen, Jr. stated he is here to ask the board to approve a lot line adjustment between Mr. Glas and Mr. Stagliano located on Weed Road to clean up some encroachments that have occurred over the years.

Mr. Watkins questioned the board and consultants if they reviewed the site plan and that it is straight forward. Ms. Franson stated there is no new development and this is a lot line adjustment to resolve some encroachments. A GML review at the county is not required and public hearing is optional.

A first motion by John Szarowski and second by John Leonette to waive the Public Hearing. Vote: All Ayes: 5, Abstain: 0, Absent: 2

Structures & Easements:

Ms. Franson stated the application itself and the map, are all structures, including accessory structures shown and are there any not shown? The dwelling looked very large on the Ulster County Parcel Viewer, and would like to confirm it is a recent survey. Mr. Anthonisen stated he confirmed with Mr. Stagliano and it is a recent survey. Ms. Franson questioned if all easements are shown? Mr. Anthonisen stated yes, all the ones that he is aware of.

Application/Survey:

Ms. Franson stated we can act tonight. On the survey we would recommend the pre-existing noncomplying conditions should be identified with an asterisk. The required lot width for the RAG 2 district is 200 ft., not 495 ft., which may have been one of the parcels.

Standards:

Ms. Franson stated no new additional lots are being created. It does not preclude future development. It does not create any new non-conformity, and it actually reduces some of them. It does not result in any disturbance to sensitive environmental features.

Wetlands:

There is a wetland check zone that is shown on the map, but no disturbances are proposed or any development.

Boundary Line:

Boundary line adjustment area is merged with and becomes a part of the receiving parcel and cannot have a separate legal existence or be capable of being conveyed. I would defer to Mr. Hoyt in terms of what is needed as far as deeds and documents.

SEQRA:

Lot line adjustments are a Type II Action, there is no SEQRA. Ms. Franson stated if the board wanted to act, and if Mr. Hoyt does not have any issues or concerns, we might be able to take-action subject to those cleanup items for the map. Mr. Hoyt stated that is fine. We will want to see the actual deed and TP and RP since they are two different owners. To avoid a problem, everything goes to the county clerk including the deed and signed map all at the same time.

Mr. Hoyt made two recommendations:

1. A resolution that this is a Type II and to confirm this separately.
2. You can vote an approval subject to all consultants' comments and my review of any deeds.

A first motion by Sal Patella and second by John Szarowski for a Type II Action and exempt from SEQRA. Vote: All Ayes: 5, Abstain: 0, Absent: 2

A first motion by Sal Patella and second by John Leonetti to approve Lot Line Adjustment contingent on consultants' comments and deed review. Vote: All Ayes: 5, Abstain: 0, Absent: 2

Mr. Anthonisen questioned if the deed review is on the entire document or Schedule A only? Mr. Hoyt stated it is the entire document. The process is your clients will do their follow-ups, all will sign, notarize, submit it to the Town, and then the Chair will sign the map. The maps are then recorded. Mr. Watkins stated we use the Hill 'N Dale abstract company to file the documents with the county.

Wayne Sheeley – Two Lot Subdivision (Applicant 2024-10)

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

Mr. Wayne Sheeley stated his has property at 425 Plains Road is to subdivide the property, creating an old farm house into a duplex. It is in the R-Ag 2 zoning district.

Mr. Watkins stated in reviewing the maps, one lot shows there is enough land, and the other lot does not show enough. Which map are we going by? Mr. Sheeley stated the one that has the house. Mr. Watkins stated one map has 3+ acres and the other shows the lot line all the way to the back of the wetlands. There should be enough land underneath alongside the power lines and the line should go straight to the back. Mr. Watkins stated we will need proof of that from your engineer.

Subdivision:

Mr. Hoyt stated the narrative says they do not want to subdivide but the applicant is filing for a subdivision. Mr. Watkins stated everything has to agree. Mr. Sheeley stated if I did not have to subdivide, I was going to consume ownership of the whole thing and was not sure if I had to subdivide it.

Mr. Hoyt stated he called the Building Department today because the newer dwelling in the rear, second dwelling on one lot, apparently replaced an old trailer. Mr. Sheeley stated it is the old trailer that I remodeled a year ago. It is the same trailer, just remodeled.

Mr. Hoyt stated that preexisted our rule stating one house per lot and why the former Building Inspector issued a permit in 2023 to conceivably renovate what I think was a preexisting structure. Mr. Sheeley stated that is correct.

Mr. Hoyt stated the subdivision would resolve that issue. The farmhouse would stay on its own lot, and the lot in the back would be a flag lot? One of these maps shows the subdivision. Ms. Franson stated the existing house (trailer) would be on the flag lot. The existing farm house would be the two-family duplex.

Ms. Franson stated if you look at Lot 2 that shows the subdivision, has 115.79 and then another 100.05 to the next point. You have at least 200 on Lot 1. Mr. Sheeley stated Mr. Larry Marshall created the map.

Mr. Hoyt stated Evelyn Garvey's driveway is to the south on your property. Mr. Sheeley stated yes and he purchased the house. Mr. Hoyt asked if there was an easement and Mr. Sheeley stated there is nothing.

Driveway Easement:

Mr. Hoyt stated the driveway on the neighbor's property has to be addressed probably with an easement. Mr. Hoyt stated if he owns every-thing he may want to push the driveway back on that lot. Mr. Sheeley stated it cannot be done due to the pond location at the North corner of Straw Ridge. The pond is on the property of the house that I will be purchasing / closing at the end of August.

Pond:

Mr. Hoyt asked if Mr. Marshall showed the pond on the map and Mr. Sheeley stated no. Ms. Franson stated it is on the adjoining lot, which is not part of the subdivision and driveway; the Garvey lot. Mr. Sheeley confirmed it is on the Garvey lot. Mr. Hoyt stated a simple easement, whether Mr. Sheeley's owns the Garvey lot or not, you would want to have the easement, especially if you cannot move the driveway. The easement for the driveway is for the benefit of whoever purchases Garvey's lot because the driveway is on the subdivision site plan.

Mr. Watkins stated the applicant and engineer should read the comments from Ms. Franson and Mr. Arnott to be addressed.

Narrative:

Ms. Franson stated there was confusion between the narrative and the map prepared by the architect doing all this analysis of what can be done. We believe the map is what is being asked. Ms. Franson questioned Mr. Sheeley to put together his own narrative and what your plan for the lots? If you are building a two-family or converting to a two-family, you need something called a special use permit to fill out and it meets all the requirements, pointed out in the memo. This minor subdivision and the duplex will require a Public Hearing.

A first motion by John Szarowski and second by John Leonette to waive the cluster subdivision. Vote: All Ayes: 5, Abstain: 0, Absent: 2

Mr. Watkins advised Mr. Sheeley we would see him next month with their updates.

Joe Yuknevich – Two Lot Line Adjustment (Applicant No. 2024-11)

SBL: 106.2-5-21, Acres: 60.4, Address: 6 Justus Banks Lane and Cottage Street 106.2-5-16, Acres 7.3 (vacant land), Owner's Address: 2253 Route 300, Wallkill, NY, School District: Wallkill, Fire District: Wallkill Fire. Project: Two lot line adjustments

Mr. Joseph Yuknevich is requesting a two-lot line adjustment on a 60-acre parcel by removing approximately 3.5 acres from a 7+ acre parcel and add it to the 60 acres.

Site Visit:

Mr. Watkins visited the site and stated it is actually a cornfield. One of the major things for the Town is there is a drainage ditch that takes the water from the interior of the Town out to the Wallkill River. There was a meeting at the Town Hall and present was Rich Blazeski, Highway Superintendent, Joe LoCicero, Town Board Member, Ken Ronk, Jr. Town Supervisor, and Shawn Arnott, our Town Engineer. We spoke to Mr. Yuknevich and questioned if there is a way we can get a maintenance easement for the drainage ditch for the Town to maintain?

Drainage / Ditch Easement:

We talked about an easement over the ditch, but the easement over the ditch would be taken out of the property count if we ever decided to subdivide the land. We pitched a way in on it, but they felt that they would be able to go in and maintain the ditch from being blocked. There is a headwall in there with drainage for his driveway across it.

Drainage:

Mr. Watkins questioned Mr. Yuknevich if he had an opportunity to talk to his attorney? Mr. Yuknevich stated Yes, we spoke briefly and this is not something that I am against and willing to help the Town as much as I can. Mr. Yuknevich requested the Town pay for the incurred cost including any lawyer fees. Mr. Watkins stated this is all new and very important to the Town. The drainage blockage will cause a pond behind the Town Hall.

Mr. Hoyt recalls this was an issue before regarding question of an easement and an Army Corp permit for them to act and that put a hold on the whole concept of widening that ditch and making it flow better. The Town can work with Mr. Yuknevich but there are no guarantees the Town can go in and do whatever they want if the Army Corps requires a permit.

Mr. Szarowski had the same experience in the Village of Chester caused by phragmites that grew in a ditch alongside one of the buildings in Town that I drained. A ditch can be maintained but if you are classifying it as a wetland, then you have to get a permit to allow access. Phragmites are an invasive species and you have to put them in plastic and take them to be incinerated and a cost associated that was kind of prohibitive. The village of Chester was flooding because of this choked-up ditch.

Mr. Watkins stated we need to address further to ensure that Mr. Yuknevich is ready and willing to allow us to take care of the drainage. It is now in front of the board to be figured out "what is the best way"? We want the Town to have the right to keep the water flowing. The Town Court, Highway Superintendent and Town Attorney have to work with the Town Engineer to draw-up an agreement.

Mr. Hoyt stated Mr. Weeden shows the ditch on a the 7-acre lot and then stops when you get to the bigger residential parcel.

Mr. Watkins stated it goes down by the barn and around to the Wallkill. There is an easement underneath River Road to the Wallkill to the North and I understand speaking with everybody in the room, we have it in place. Mr. Hoyt requested the Town find that end of it so all ends are connected and if it is agreed upon. An agreement like this should have a metes and bounds description and that will be a bigger expense then Mr. Yuknevich's legal fee.

Mr. Watkins stated he will address the Town Board and Town Supervisor to speak with Mr. Hoyt. The Highway Superintendent and the Town Engineer are also aware. Joe LoCicero, previous Highway Superintendent, tried to have drainage taken care of as well. Mr. Hoyt stated he has files on Walker Valley Acres and there may or may not be something in there on what is being referenced.

Mr. Hoyt questioned if it is a defined ditch all the way through and able to point to it on site? Mr. Yukneovich stated yes, you can go out there. The biggest concern would be clearing out the trees and branches, not so much plants. I believe the DEC and EPA were out there at one point to check on things when we had it delineated advised I can clean and remove the stuff out causing the problem and I worked on it to get it loose.

Mr. Watkins stated we would like to get to a point for the Town to go in there, as they have the right, and keep the ditch open. Mr. Hoyt stated a standard drainage easement with all standard language; the issue is what are we getting an easement on? Is it metes and bounds, is it wide enough for a machine to access?

Ms. Franson stated it does need the permit. It is showing up on the National Wetland Inventory maps as a wetland. It is a stream and is not going to be non-jurisdictional. If the Town wanted to do certain things, it would be subject to permitting unless you clear out because of an emergency. Clarification is needed on what those things are. Mr. Watkins stated the conversation in the office is to have an easement so the clean-up can be done.

Mr. Watkins stated he will contact Mr. Ronk, Town Supervisor, to contact Mr. Hoyt in regards to the Planning Board conversation to decide what they are going to do and to pay Mr. Yukneovich's attorney. Mr. Hoyt stated former Supervisor John Valk may have a better memory and recommends Mr. Ronk to give Mr. Valk a call due to the history of this drainage.

Ms. Franson stated it would be useful to understand why you are doing the lot line adjustment due to the house going out to the other lane. Mr. Yukneovich stated he is trying to make it part of the farm to avoid two separate lots in that area and create another area to go up to the other part of it. Ms. Franson stated you still want to keep that small lot with the Cottage? Mr. Yukneovich stated yes.

Ms. Franson stated a GML review by the county is not required for a lot line adjustment. Public Hearing is optional.

A first motion by John Leonette and second by Todd Widmark to waive the Public Hearing. Vote: All Ayes: 5, Abstain: 0, Absent: 2

Building Structure(s):

Ms. Franson questioned the site plan regarding the house; if location of house is being shown? Mr. Yukneovich stated he gave whatever he had for maps to see where the house was in reference to the lot line adjustment.

Zoning and Acreage:

Ms. Franson questioned the zoning table. The survey shows the lot line adjustment was drawn-in by hand. Ms. Franson explained we need a map with metes and bounds and the zoning table to show that everything complies. If the properties are not served by the public water or sewer, there is a 3-acre minimum lot size required for each one that you need to show.

Ms. Franson stated you will need to subtract out anything that is a wetland from both lots and this is done by your surveyor. Please provide copies of the deeds and survey of lots with

metes and bounds. This is a lot line adjustment involving 2-Lots by the same owner. Mr. Hoyt stated since it is the same owner, we would not need to see a deed ahead of time.

Ms. Franson stated if there are any easements, please show on the map. This is a Type II Action, SEQRA is not required. We need an updated survey showing what is proposed to be eliminated in terms of those lines and where you are adding the new line. We need to know what the change in acreage is and the bulk table and the zoning.

Mr. Watkins stated we are going to need to see a hypothetical house location, septic, and a perk test for a buildable lot. When you deduct the wetlands, you will need to show the 3-acres and where the septic possibly could be. Mr. Russek stated there is sewer and water on Cottage Street. Do I need to show a septic for that?

Ms. Franson questioned if the lot is in the sewer and water district? Mr. Yuknevich stated the warehouse is in the water and sewer district. Ms. Franson stated the Parcel Viewer shows you are in the library, ambulance, and fire district. It does not show up as being in the sewer or the water. You may require 3-acres and your surveyor will need to look into this. Mr. Hoyt questioned if the 7-acre lot also came from Wallkill Valley Acres? Mr. Yuknevich stated yes.

Ms. Franson stated the drainage/stream that goes by the barn, goes onto your neighbor's property under River Road. Then the parcel where it is going into the river is Wallkill Valley Acres also. I do not know if that drainage was intended to be part of it.

Mr. Watkins advised Mr. Yuknevich there is follow-up work to be done and we will see you next month.

Michael Brander – Wildrick Road (Applicant No. 2022-10):

SBL: (106.1-1-8.111) Proposed Three Lot Conservation Density Subdivision Preliminary Plan of 46.75+/-acres at 46 Wildrick Road in the R-AG4 District and Wallkill Central School District.

Bond Estimate:

Mr. Watkins stated the total bond estimate is \$22,015.40. The inspection fees are taken out as an escrow. The bond we are recommending to the Town Board is \$18,155. The cash escrow is up to \$3,861.00, Town Board discretion.

Do we have a motion and a second to approve this bond amount to recommend to the Town Board for completion of the road? The road base is already in and approved by the Town Engineer and the Town Highway Superintendent.

A first motion by John Szarowski and second by Sal Patella to approve the total bond estimate of \$22,015.40, a cash escrow of up to \$3,861.00 for inspection fees, and a security of \$18,155 to the Town Board. Vote: All Ayes: 5, Abstain: 0, Absent: 2

Mr. Watkins stated the road base is already in and approved by the Town Engineer and the Town Highway Superintendent.

Carson Powers – Galeville Solar A LLC, (Applicant No. 2024-08)

SBL: 100.3-1-34.2, Acres: 169.64, Address: 61 Old Hoagerburgh Road, Property Class: Field Crops, Zoning Code: 177-23.1 E - Solar Energy Systems, Zoning District: R Ag-4, School District: Wallkill, Fire District: Shawangunk Valley Fire. Project: Large Scale Solar Array

Mr. Nic Cunha stated Carson-Powers is here to discuss the Galeville Solar Project for a 5-megawatt AC to be developed on 61 Old Hoagerburgh Road in Wallkill. We received the

feedback from the schedule review in March and started to address the concerns: visibility, farmland preservation, noise, endangered species, and tree clearing and preservation. Mr. Cunha stated their goal with the application, along with Mike Moriello, Esq., and his experience with the Town, is to try and put together a complete picture to address those concerns. The system was moved out of the active farmland. We included visual simulations for the ridge nearby, and a study proving minimal noise. The movement of the system addresses endangered species that came up in a discussion at a previous pre-application meeting. The big issue is the tree clearing.

The tree clearing ends up being 18.5 acres and the last discussion was regarding the code around mature tree clearing being discussed in the Town. We will discuss moving the system to improve the endangered species scenario and the farmland scenario; and identify where the mature trees are on the parcel. Mr. Cunha stated they are trying to make the system work with the 18.5 acres and from a high-level survey it looks to be about 6.2 acres of full mature tree clearing. We would like to do a more in-depth species survey and put a deed restriction on the property to conserve trees that is amenable to the board in exchange for the mature tree provision.

Mark Watkins stated the way the law was written, there is an issue with the punctuation and things were changed from previous Town employees. Our intention was no more than 10 acres of clearing and currently there is a debate going on with another solar array about this issue. Our Town Attorney, Mr. Hoyt, spoke to the client's Attorney, Mr. Moriello, about Galeville Solar issue. Mr. Watkins stated he also spoke with Mr. Moriello and it is an on-going issue with the Town until they come up with an answer. We are waiting for a letter from the Building Inspector to make the determination. Then it might have to go to ZBA for clarification to be addressed. Mr. Cunha questioned, is the determination going to be to clarify the law? Mr. Watkins stated it is up to the Building Inspector to define mature trees due to the number of definitions presented and no clear definition. This also applies to species inventory on the trees and the law has to change.

Mr. Cunha questioned while the board is having their discussions, where are we from a parcel perspective as we try to appease as many requirements as possible? Mr. Cunha believes the 10 acres will not work. Mr. Watkins stated it needs to be addressed and straightened out. Originally, the law that did not get into the code was, you could clear another 5- acres and later clear another 5-acres. It is devastating to the neighbors to have a forest one day and a flat field the next day. This happened with another solar array project.

Mr. Cunha stated Tom Ward will be speaking based on their plan and for the board to conceptually agree, in parallel to the discussion happening with mature trees being defined with the building department. Then do for a more in-depth survey to get SEQRA process started.

Preliminary Site Walk and Tree Assessment:

Mr. Tom Ward, Senior Ecologist with Environmental Design Partnership, LLP is a certified Wildlife Biologist, a Professional Wetland Scientist, and a Lead Endangered Species Biologist. Mr. Ward complimented the Town for their knowledge of species and wetlands.

Mr. Ward completed a preliminary site investigation to review the forested components of the proposed development area for the panel array. The following was stated by Mr. Ward: Under his guidance and initial direction, my review has been to conceptually show the Town a distinction between younger upgrown forest communities and more mature forested stands. Pictures were handed out where Mr. Ward walked the area and hand-drew what he believed to be characteristics of a more mature forest community. The last four photographs in the set of photos are of more mature forested communities. Differences between the first five photos and the last four photos is the forest structure and the species composition. The

mature forested areas have a structure that is more-wide open, larger diameter trees, a defined crown or canopy that does not allow sunlight to the ground.

The mature forest you can stand in it and look all the way through. The young growth forest is comprised of pioneer species, densely packed, and they do not have crowns so there is a lot of vegetation that is between 20 and 35 feet in height. A lot of sunlight gets to the ground, a lot of shrub layer, a lot of herbaceous vegetation.

The photos were taken in early May and now you are not be able to see 10 feet in front of you. I went back to the site and located, via GPS, those areas and give you a map with defined boundaries showing what I believe to be the mature forested communities in relation to the remaining portions of the parcel.

I could locate some larger trees that do exist along the field edge but are not necessarily part of the interior forest communities and show those because there are some large trees along stone walls and field edges. The border trees usually get the most sun and grow and mature a bit faster.

Mr. Ward is proposing to do sample plots of 50 x 200-foot in each one of those forested communities to define the structure, the age class, and a species composition that would provide details and data to determine can constitute as a mature forested community versus a younger forested community and keep the mature tree in the law. Each one of those 50 x 200-foot plots would be a quarter of an acre in size. Two in the mature forested areas, two in the non-mature forested areas, and one right in a transition between the two so you can see how they can join at one of the boundary lines. It will give you DBH's, heights, and species. Each species will be identified by a dot on the map, color coded and a table. It is a visual representation of what the forested communities are consistent of. Mr. Watkins stated, based on the photos, the difference is between a mature forest compared to an immature forest. There are a lot of areas that can be very important and helps with the definition.

Mr. Watkins questioned why two plots for the array is shown in two different areas marked? Ms. Franson stated go to the State Historic Preservation Office CRIS system, there are two solar facilities shown on this parcel (Galeville A and Galeville B). Mr. Cunha stated it can be updated. Due to capacity for multiple, we also plan moving one system depending on what the DEC determined to be on the ITP decision. One of those fields is conjoined on solar B and one is conjoined on solar A. It will just be solar A and is what you are looking at in the application. We do the SHPO screening earlier on in the process when the system was larger and we have been trying to comply with the code.

After our sketch review, we changed the layout to comply and will be the system if you proceed. Ms. Franson questioned, there is no second solar system that is ever going to be built on this parcel at this time? Mr. Cunha stated we are only here to discuss about Galeville A and that is all; no other plan to do anything else. We cannot speak to somebody else, but for our purposes, Galeville A is what we plan.

Mr. Hoyt stated your option with the Lindley LLC is for both parcels totaling 325 acres. Mr. Cunha stated we were not sure what the DEC determination would be on where we could put the system and avoid an ITP (Incidental Take Permit) and she identified two pieces. What will happen is as part of the development process, when we get toward approval, we will have a metes and bound survey done on our system and will replace the exhibit in the lease.

Mr. Hoyt stated it will only be tax lot 34.2 and not 64.1? Mr. Cunha stated correct. Mr. Watkins questioned can they be built next to one another? Mr. Hoyt stated if these are on separate lots (even though joining), we would not allow two facilities within 1,000'.

Ms. Franson stated they were also identified as two separate projects with two separate project numbers. One in 2022, which is Galeville Solar 1 and the other is Galeville Area 2 and that was started in 2024. Mr. Vardaan Gurung stated the CRIS consultation is started at a desktop level early on in the process and needs to be cleaned up. Galeville Solar A project on the northern parcel is in the proposed development. Mr. Cunha stated the application is what we are proposing.

Mr. Cunha stated he would like feedback on Mr. Ward's presentation and move forward with a strategy. The project would not work with 10 acres of clearing. If there would be an unfolding definition with mature tree clearing, we would avoid mature tree clearing, stay under Tom's definition, and any modifications the board sees fit. We would like to start the SEQRA process because it is a time thing. Mr. Watkins stated the Building Inspector has to do the determination within a month. Would it be an inconvenience to wait to hear BI determination? Mr. Cunha stated we will wait for the determination and then send Mr. Ward out for further work. Would the board be against starting the SEQRA process or is there hesitation until the determination comes back?

Mr. Patella questioned, pushing the panels into the wooded areas is likely to avoid the need for an ITP Permit. The wording is of concern and avoidance of an Incidental Take Permit. Mr. Vardaan Gurung stated an ITP permit, as you know with the MAKO project, it would be a project killer. With our project, we are trying to avoid a field and we spoke, offline, with the DEC and they liked the idea and thanked us.

Mr. Patella stated clearing more forests to avoid the ITP is what they were looking for. Mr. Watkins questioned the DEC was okay with the bird sanctuary across the street? Mr. Gurung stated those birds live in the grassland. Mr. Watkins stated MAKO homes is the Harrier and has nothing to do with grasslands other than feeding and the Harrier is in that area.

Mr. Gurung stated this is meant to illustrate. ITP is something we want to avoid and go down that route. We have been in communication with the DEC to ask, if it is going to be necessary no matter where we put it or is moving it into the forest any benefit to the outcome of an ITP determination? Mr. Watkins stated you cannot move the array into the forest because you have to cut the forest for sunlight and it is better to clear land than it is to use the field. Mr. Gurung stated in the eyes of the DEC, that is correct.

Mr. Ward stated the DEC will not give anybody a definite answer until they have an application in front of them and we have not applied because we are not that far enough along. It has been initial consultations and their recommendations are being followed. The field biologists first with grassland nesting songbirds and overwintering grafters, mainly the harrier and the barn owl that is the habitat that they are trying to preserve. The open grasslands for aging and nesting.

Mr. Ward stated by moving the panel out of the fields and into the forest, would be an unlikely adverse impact requiring an ITP. They have not looked at the entire project as a whole because an application has not been submitted.

Ms. Franson questioned the correspondence provided for the project was a preliminary layout dated March 22, 2024. You met with the Town with a different layout on March 14 that we discussed and commented to be aware you are near the wildlife refuge. Is the March 22, 2024 layout different we are reviewing now? Did the DEC see the same one we are seeing now? Mr. Gurung stated it is not exactly and similar to what we had discussed with you. We did not show this to Lisa Masi who works for DEC, Region 3 Wildlife as part of the application. Ms. Franson stated to provide it to Lisa Masi and if there were any other communications or this was the only one since April 8? Mr. Gurung stated that is correct.