

Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Shawangunk Town Hall, 14 Central Avenue, Wallkill, New York, on Tuesday, the 1st day of July 2025

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



Those absent were: John Leonette

Also Present: Rich Hoyt, Esq., and Bonnie Franson, Planning Consultant. Please see the sign-in sheet for rest of attendees.

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

Open Regular Meeting: 7:00 pm

Emergency Exits Announcement

Pledge of Allegiance

Approval of Minutes of June 3, 2025

A motion was made by Ryan Reid and seconded by Tom Tango to approve the Meeting Minutes of June 3, 2025. Vote: All Ayes: 6, Abstain: 0, Absent: 1

A motion was made by Todd Widmark seconded by Ryan Reid to approve the Special Meeting Minutes from June 13, 2025, at 4:30pm. Vote: All Ayes: 6, Abstain: 0, Absent: 1

DISCUSSIONS:

Exemption and Recommendation List:

Mr. Barnhart began the meeting by stating that we received a request to approve General Municipal Law revisions from Ulster County, and we need the board's approval for that, but first, Mr. Hoyt wants to weigh in on those exemptions and those actions. Mr. Hoyt then stated that in 2017, Ulster County agreed with the Town of Shawangunk and many other Towns to limit the number of mandatory referrals, and we agreed to a various list of ten (10) items. Four (4) of them were variances, but the rest were Planning Board matters where we did not have to refer. He stated that the list was further amended, but this time they did not ask us for our permission, and they just did it. The new exemptions are apropos tonight, especially the Sheely matter, where now two-family uses are exempt, and they were not before.

Mr. Hoyt requested the Planning Board to take a simple vote tonight, agreeing that the following matters will no longer have to be referred to Ulster County.

Mr. Rich Hoyt stated that single-family and two-family dwelling units are exempt. Accessory uses for residential (only under 400 square feet) pools, gazebos, and garden sheds... Mr. Hoyt stated that these things, if they were within 500 feet of the jurisdictional line, you had to refer them. There was no benefit to anyone sending a pool or a shed referral to Ulster County and waiting for a month for a response. Continuing on with the exemption list Mr. Hoyt added- accessory solar (as in front yard & rear yard, not solar farms, but homeowner units). See memo regarding UC exemptions attached to these minutes.

Mr. Hoyt requested Mr. Barnhart to call for a vote to accept the exemption and recommendation list. Mr. Barnhart called a motion to accept the list.

A motion was made by Tom Tango seconded by Ryan Reid to accept the Ulster County Planning Board Exemptions. Vote: All Ayes: 6, Abstain: 0, Absent: 1

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 began by opening the Public Hearing and calling for a motion.

A motion was made by Todd Widmark seconded by Tom Tango to open the Public Hearing for Bardin Farms. Vote: All Ayes: 6, Abstain: 0, Absent: 1

Mr. Barnhart questioned if anyone from the Public would like to speak on the matter. No response from the Public.

Bardin Property Review:

Margaret Hillreigel appeared for the applicants Andrew and Tim Bardin. Mrs. Hillreigel explained that they are proposing a two-lot subdivision for the Bardin Farms Partnership and would like to create a 13.65-acre flag lot. Mrs. Hillreigel stated there are some wetlands on the lot, therefore, it will be a net of 11.32 acres. It is in the R-Ag 2 Zone, and the way they place this lot, it will be in the woods and will not take away from any of the existing farmland. The Bardin's have been using the farm for generations. Mrs. Hillreigel stated it is basically a simple two-lot subdivision, except for the wetlands crossing through. Mrs. Hillreigel stated she has a letter today from EMC and they agreed that the wetlands are flagged and correct. Mrs. Hillreigel does think that we can cross the wetland using the existing ATV trail with minimal disturbance.

Discussion on Wetlands

Sal Patella stated that he was not at the last meeting, but looking at the mapping and considering the EMC report and what already exists, I am curious why they choose to preserve the farm component of the larger lot, with those wetlands and the other

matters that appear here and the easement, could you avoid all that by having your road frontage and your driveway come in where the zoning regulations is on the map?

Mrs. Hillriegel stated they really cannot and there is a pond there. Mrs. Hillriegel also stated there is even more wetlands over there that I did not show, and I did not survey that part of the property. Mrs. Hillriegel stated they only surveyed the part they are looking to subdivide and that they would have to disturb wetlands either way. This proposal is using the existing ATV trail, which is probably less invasive than going the other way.

Mr. Barnhart questioned if there was anything else from the Board? Mr. Hoyt questioned if there was any documentation for the partnership/ownership? Mr. Bardin stated they just had a copy of the Deed provided. Mr. Hoyt questioned whether they had the original or a copy of the Executed Partnership Agreement. The Bardin's stated they have it but not now. Mr. Hoyt stated we are going to need it with the approval and signatures on behalf of the partnership. Mrs. Hillriegel stated they will make sure to get a copy to the board.

Ms. Bonnie Franson questioned the status of wetlands and if they are going to DEC for a permit, or what is the status at this point? Mrs. Hillriegel stated they are not quite sure and did ask the DEC. Their response was such that we were disturbing the kill, not the wetlands above it and trying to get them to revisit the issue. It is an open item, and it is probably not going to close immediately because that is the way things are working with the DEC.

Public Comments:

Mr. Barnhart questioned if anyone from the Public had any comments? Responses below from Ms. Bedward and Mr. Haldeman.

Ms. Karen Bedward, from 21 Riverside Drive, stated that she does not know exactly what is going on because she received a letter and is little nervous with what is going on. Ms. Bedward stated she has had water problems on her property. Mrs. Hillriegel replied that the applicant is looking to build one house on 13-acres. Mrs. Bedward was concerned it was going to be multiple homes and stated she agreed with a home being built.

Mr. Dave Haldeman, from EMC, stated that he does not understand how you will put in a driveway that protects the stream, and questioned how do you protect the driveway from the stream at the same time? Mr. Haldeman stated no matter how it is done; the EMC is concerned. Mr. Bardin stated that either way, we would have to cross wetlands or disturb hayfields where both areas are very wet. Mr. Haldeman questioned if there is significant flooding, what are your options regarding getting in and out? Mr. Bardin replied that they had that terrible flood years ago and the stream was fine. It comes from around the back of the property, and it is not a huge stream at all. The stream rose but flooding was not a problem and is a small mountain stream. Mr. Bardin stated this is not a flood area. If you go behind Howard Wheaton's house it gets wide and opens, and that is why it does not flood that much.

Mrs. Hillriegel stated either way, we will have Engineer show a crossing with a culvert and protection before we finish up. Ms. Franson stated that it will have to be done through the DEC or the Army Corps. Either one is going to require that sort of protection and requirements. Mr. Barnhart questioned if anyone else from the Public had any additional comments or questions. No response from the Public.

Mr. Barnhart stated we will continue the Public Hearing until September 2nd, 2025, at 7pm and called for a motion.

A motion was made by Sal Patella seconded by Ryan Reid to continue the Public Hearing until September 2, 2025, at 7pm. Vote: All Ayes: 6, Abstain: 0, Absent: 1

CONTINUATION OF PUBLIC HEARING:

**Nicky D's Towing & Recovery - (Applicant No; 2025-17):
Nicholas DiBlanca proposed 24-Hour Towing and Automotive Repair Shop, SBL: 100.1-1-2, 1.6Acres, Zoning District: R-Ag 2, Address: 2151 Bruynswick Road, Wallkill, New York, School District: Wallkill, Fire District: Shawangunk Valley Fire Department**

Discussion on Final Approval:

Mr. Barnhart stated that Mr. DiBlanca has been before the Board many times, and noted that the Building Inspector, Mr. John Calaca, had assisted with the work on his map and provided a polished-up version. Mr. DiBlanca questioned the Board if they would like to see the new map? Mr. DiBlanca showed the Board the map and confirmed that the fence and sign were up. Mr. DiBlanca explained the bay that he will be using is the one all the way to the right. Mr. Barnhart then stated that the Special Use Permit is granted and stated to Ms. Franson to review the Resolution and Schedule A Conditions. See Final Special Use Permit and Site Plan Approval Resolution, and Schedule A Conditions attached to these minutes.

Ms. Franson stated it is being circulated to Ulster County Planning Board, and it is a Type II Action exempt per SEQRA.

Mr. Barnhart requested a motion to close the Public Hearing for Nicky D's Towing and Recovery and to grant the Final Special Use Permit and Site Plan Approval Resolution as per the terms documented.

A motion was made by Ryan Reid, seconded by Sal Patella to close the Public Hearing. Vote: All Ayes: 6, Abstain: 0, Absent 1:

A motion was made by Ryan Reid, seconded by Tom Tango to grant the Final Special Use Permit and Site Plan Approval, and Schedule A – Conditions of Special Use Permit and Site Plan Approval. Vote: All Ayes: 6, Abstain: 0, Absent: 1

**Wayne Sheeley - (Applicant No.: 2024-10)
Proposed a Two-Lot Subdivision and Existing Old Home Renovation into
a Duplex, SBL: 106.4-2-21.1, Acres: 15.1, Address: 425 Plains Road,
Zoning District: R-Ag 2, School District: Walkkill, Fire District, Walkkill
Fire Department.**

Sheeley Project Review:

Mr. Zachary Peters from M.N.T.M. appeared for the applicant regarding the proposed two-lot subdivision. Mr. Peters explained that there are two existing dwellings on the lot they want to split into two parcels and convert the one single-family dwelling into a two-family dwelling.

Mr. Rich Barnhart stated this is an open Public Hearing questioned the Public if anyone had comments? No response from the Public. Mr. Barnhart requested a motion to close the Public Hearing.

Driveway Easements:

Mr. Peters stated Mr. Larry Marshall of M.N.T.M was working with Mr. Rich Hoyt, Esq. on the easement language and that was the only thing he had in his notes and did not think anything substantial had changed. Mr. Hoyt stated there are two easements, a common driveway easement to access both lots. Mr. Marshall has a standard template.

The owner of the property to the south has a driveway that encroaches on the Sheely parcel, and it is not a common driveway. Mr. Marshall put together a draft narrative easement for that neighbor to the south. Mr. Barnhart called for a review of the draft Negative Declaration Resolution.

Ms. Franson reviewed from the Negative Declaration Resolution. See Negative Declaration Resolution attached to these minutes.

A motion was made by Ryan Reid seconded by Todd Widmark to close the Public Hearing. Vote: All Ayes: 6, Abstain: 0, Absent: 1

A motion was made by John Szarowski, seconded by Tom Tango to approve the Negative Declaration Resolution. Vote: All Ayes: 6, Abstain: 0, Absent: 1.

Mrs. Franson reviewed Final Minor Subdivision and Special Use Permit Approval Resolution. See Final Minor Subdivision and Special Use Permit Approval, and Schedule A – Conditions of Subdivision, Special Use and Site Plan Approval attached to these minutes.

A motion was made by John Szarowski, seconded by Tom Tango to approve the Final Minor Subdivision and Special Use Permit Approval Resolution. Vote: All Ayes: 6, Abstain: 0, Absent: 1

**Hufcut/Boniface - (Applicant No. 2024-07):
Proposed Two-Lot Subdivision, Burlingham Road, SBL: 104.4-3-18
(21.16 acres), Address: Jason Boniface, Burlingham Road, Pine Bush
School District, Walker Valley Fire (FD176).**

Hufcut/Boniface Project Review:

Mr. Zachary Peters from M.N.T.M. appeared for the applicant. Mr. Peters stated that they have appeared for this proposal a couple of times. The purpose of the application is to create 2 Flag Lots and to build a single-family home on one of them. There is no one from the Public to comment on the Hufcut/Boniface project.

Mr. Rich Hoyt stated that he and Mr. Larry Marshall spoke of the late Henry Tewes has easements noted on the map, and that no one knows who he is or what land was his. However, they will note his references on the map as inactive but do not feel comfortable getting rid of them. Mr. Hoyt also stated that we agreed to include a common driveway agreement for the three neighbors on the one lane that is to have shared access. Other than that, everything seems straightforward. Mr. Barnhart questioned if anyone had any further comments or questions? No one had any comments. Mr. Barnhart requested a motion to close the Public Hearing. Mr. Barnhart reviewed the draft Negative Declaration Resolution.

A motion was made by John Szarowski seconded by Ryan Reid to close the Public Hearing. Vote: All Ayes: 6, Abstain: 0, Absent: 1

Mr. Barnhart requested Ms. Franson to go over the Negative Declaration Resolution. See Negative Declaration Resolution attached to these minutes.

A motion was made by John Szarowski, seconded by Todd Widmark to approve the Negative Declaration Resolution. Vote: All Ayes: 6, Abstain: 0, Absent: 1

Mr. Barnhart requested Ms. Franson to go over the Final Minor Subdivision Approval Resolution. See Final Minor Subdivision Approval Resolution attached to these minutes.

Ms. Franson specifically read over the Schedule A - Conditions of Subdivision Plan Approval for the record and Mr. Barnhart called for a motion to accept the Final Minor Subdivision Approval

A motion was made by Ryan Reid seconded by Todd Widmark to accept the Final Minor Subdivision Approval. Vote: All Ayes: 6, Abstain: 0, Absent: 1

APPEARANCES:

**Harrier Ridge Estates - (Applicant No. 2023-09)
Mako Homes 7-Lot Subdivision, (SBL: 106.1-3-29.421) Address: Dubois
and Malloy Road, 26.5 Acres, R-Ag 4 Zone, Wallkill Central School
District, Wallkill Fire District (FD 171)**

Harrier Ridge Estates Project Review:

Mr. Zachary Peteres appeared on behalf of the applicant and stated this application is for a 7-Lot Subdivision, six (6) of which obtain access via a proposed cul-de-sac road and one of which obtains direct access via DuBois Road. This project was referred to the Ulster County Planning Board, who had some comments which have been addressed or overridden, SEQRA has been completed, and a Negative Declaration has been issued. Mr. Peters went on to state that the subdivision has received conceptual Ulster County Department of Health approval as per an email dated May 29th, 2025, from the agency. They also have a letter of authorization for coverage under a general permit for stormwater discharges to allow work activities and for road disturbances. Mr. Peters stated that all the conditions are the last page of the map and that submission of the mylar and 12 copies of final subdivision plan will comply with all the various requirements of the zoning subdivision regulations, town streets and road specs, and requirements of the R-Ag 4 Zoning District & will be consistent with the Negative Declaration Resolution adopted on April 1st, 2025.

Ms. Bonnie Franson reviewed the Schedule A Conditions of Final Subdivision Plan Approval regarding Harrier Ridge Estates. See Schedule A Conditions of Final Subdivision Plan Approval attached to these minutes.

Road Bond Estimate:

Mr. Rich Hoyt pointed out that the numbers in the Road Bond Estimate and the information was out of date. Mr. Hoyt noticed there were no street trees and that the Road Bond estimate needs work before it goes to the Town Board for approval. Mr. Peters stated his client was on vacation and that when he returns, they would get the estimate updated.

Drainage District:

Mr. Hoyt stated that secondary to all of that, Number 12 on the map states the approved drainage district but the problem is there was a procedural defect. Town Board never held a Public Hearing. Therefore, it is not fair to say it was approved in December because it was not legally approved. Mr. Hoyt stated he spoke with the Town Supervisor, and we are going to set up a Public Hearing on August 7th in front of the Town Board.

Finalizing Maps:

Mr. Hoyt also stated that the map really cannot get filed until the District is created. The Planning Board must approve the bond amount, and we are meeting again in September. Mr. Hoyt stated the Planning Board could vote on it tonight or wait, either was fine so long as the proper edits were made and steps were taken. Mr. Peters stated they are trying to get the map and all the other conditions that are acceptable printed to the Department of Health (DOH). Mr. Hoyt stated that the DOH needs a map that is never going to get changed and questioned Mr. Peters how long he thought it would take to get the map done and to the DOH? Mr. Peters replied that it would probably take a couple of weeks.

Drainage Easement Lots:

Mr. Hoyt then discussed the drainage easements and stated not only Lots 5 and 7, but Lot 1 and Lot 6 also has the basin on that the district will maintain. We must figure out if we are getting easements now, or do we add a condition that Mr. Brissett does not sell Lot 1 and Lot 6 without giving us the easement. Mr. Peters stated Lots 1 and Lot 6 will have the easements conveyed to the Town and or the Harrier Ridge Drainage District. Lot 5 and Lot 7 are totally private, and they are going to have a declaration recorded with the plat, encumbering only Lot 5 and Lot 7. That is where the homeowners must do their own maintenance. If they do not, the Town can notify them that they will do the work and charge them for the cost.

Motion was made by Ryan Reid, seconded by John Szarowski to approve Harrier Ridge Final Subdivision Plan Approval Resolution. Vote: All Ayes: 6, Abstain: 0, Absent: 1

**US Light Energy – Wallkill Solar Array (Applicant No. 2023-01):
SBL: 99.2-6-10, Address: 2319 Brunswick Road, Wallkill, NY 12589, and
Wallkill Central School District, R-Ag 4.**

USLE Request for Submittal:

The Applicant, Engineers, and Legal Counsel appeared before the board. They discussed their new proposal for the solar array project and explained that it required one variance which had been submitted to the ZBA. There was no formal submission made to the Planning Board, and this was an appearance for the applicant to come before the board to explain their new variance request.

Ulster County Referral:

The Applicant questioned the Planning Board to refer the project to the Ulster County Planning Board for their comments. The Planning Board unilaterally agreed that without any input from the ZBA in regards to the variance, they were in no position to send the project up to Ulster County for referral, and that tonight was simply an appearance to discuss the variance, furthermore, there had been no formal timely complete submission to the Planning Board for the members to review and understand prior to this meeting.

Mr. Ari Goldberg, the applicant's legal counsel, requested for it to be put on the record that he did not agree with the Planning Boards decision not to send the project to Ulster County for their review and that they had not submitted a "complete application". Mr. Goldberg stated if it was not done tonight, then they would have to wait three months. Mr. Reid then corrected Mr. Goldberg that the wait would be a wait of two (2) months if the Planning Board was to send the project for referral at the next meeting in September. Mr. Reid stated that the Planning Board does not send incomplete applications for review to the county, and this would be incomplete because it needs an approved variance. Mr. Barnhart stated that he was inclined to wait until the ZBA rules. I do not know if we have ever sent a county referral that was pending a variance. Ms. Franson stated she did not think everything was buttoned up enough to send for county referral, but we are trending in a direction where the issues are being narrowed.

Mr. Goldberg stated what we are asking the Board to do is to send their comments to consider them as part of any action that we may take next. Mr. Goldberg stated he did not feel that we are ever going to have a decision on the variance in order to complete this to allow us to get sent to the county and that we are going in circles.

Mr. Goldberg stated he felt like you cannot complete SEQRA or would not want to complete SEQRA without county referral being complete, yet you would not send to county until we complete the variance, which again goes back to SEQRA not being completed. Mr. Widmark questioned, "How can we send it up to the county without knowing what modifications have been made? Mr. Widmark stated he has not seen a map or submission for this new proposal. All the county does is review the application and provide comments. Mr. Widmark stated if we send this to the county, it is saying to the county we are happy with this, what do you think? Mr. Widmark stated he does not think it is correct to send without receiving a real submission to this Board for consideration. Especially, while the ZBA has not met on the topic yet.

Mr. Barnhart stated he believes the ZBA can vote to send the proposal up for county review at their meeting. Mr. Goldberg questioned the Planning Board to send the proposal to the county for review due to not wanting to wait and fear that the project will continue to go in circles.

Wetlands:

Ms. Franson questioned the wetlands if the delineation proper and are there more wetlands? Ms. Franson stated she feels like there is open items that got pushed aside dealing with the whole interpretation issue. Ms. Franson stated the county is a separate thing and believes USLE had been gone for a while. USLE needs to submit plans again, and we need to talk about SEQRA. Ms. Franson stated that we also need an EAF Part 2. The ZBA will be able to vote to send the project up for referral to the Ulster County Planning Board. If we need to send it again after the ZBA does and after they receive comments, the Planning Board can send it again if revisions are needed, after the ZBA's decision on what to do with the variance.

CORRESPONDENCE:

Next Regular Meeting to be held on Tuesday, October 7, 2025 at 7:00 PM.

Deadline for submission is Friday, September 12 at noon.

ADJOURNMENT:

Motion was made by Rich Barnhart, seconded by Ryan Reid to adjourn meeting. Vote: All Ayes: 6, Abstain: 0, Absent: 1

Respectfully Submitted,

RECEIVED

MAY 09 2024
PLANNING BOARD

Ulster County Planning Board

Dennis Doyle, Director

auvog ONINNV7d
MAY 09 2024

RECEIVED



Jen Metzger, County Executive

May 3, 2024

Mark Watkins
Town of Shawangunk Planning Board
P.O. Box 247
Wallkill, N.Y. 12589

Dear Chairman Watkins:

The Ulster County Planning Board (UCPB) is pleased to announce it has adopted a revised "Schedule B: Referral Submittal Matrix" (Please see attachment for full details).

On January 3, 2017 the Town of Shawangunk's Planning Board agreed to a Memorandum of Agreement between itself and the Ulster County Planning Board entitled "Actions not Subject to submittal under general municipal law article 12B, sections 239-m & 239-n and Ulster County code section C-51."

That agreement gave the UCPB the ability, with the Town Planning Board's approval, to:

"remove or otherwise modify any or a' referral requirements contained in Schedule A by providing in writing the revisions to Schedule B signed and dated by the Chairman of the UCPB to the Chairman of the (Municipality) (chair)."

it was and continues to be the intent of the UCPB to expedite the land use review process by reducing the number of land use actions required to be referred by pre-determining certain actions to be considered "no county impact" and/or "local determination".

In conducting its five-year review of the agreement, the UCPB has determined that there are additional actions that would be good additions to Schedule B to further expedite the land use review process.

These actions included:

- Site Plan review of residential uses for single and two-family dwellings
- Accessory/Tier One Solar Energy Systems (Free-standing or Building Mounted)

Please do not hesitate to contact us with any questions or comments. Our Principal Planner, Robert Leibowitz (845-340-3337), would gladly assist you. Please note that per the agreement these revisions will take effect 10 days after receipt of this notification. Once the Town Planning Board has approved the addition of these two actions to Schedule A they will no longer require referral to the UCPB.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Doyle".

Dennis Doyle, Director of Planning

Telephone: 845-340-3340
Fax: 845-340-3429

Email Address - planning@co.ulster.ny.us
Web Page URL - <http://www.co.ulster.ny.us/planning>

Schedule B: Referral Submittal Reference Matrix*

Actions listed below are exempt from the referral process. ** Site Plans and Special Permits

Within 500'

1) Re-occupancy or reuse of existing structures as long as the following conditions are met:

- An increase in parking spaces is not required by local statute
- Channelized access to State or County Road exists or is proposed
- New site lighting, if proposed, utilizes full cut off luminaires and does not exceed IEA lighting levels.

2) Residential uses Single and two-family dwellings, accessory apartments

3) Signage that meets local zoning requirements

4) Accessory Uses: Residential Structures 400 square feet

Accessory Solar (Free-standing or Building)

5) Wireless Telecommunication Facilities that are colocations per the Nationwide

Pro grammaticreement for the Collocation of Wireless Ante an . ***

Outside 500'

AN SEQRA Type II or Unlisted actions as long as the following conditions are met:

- 1) Not a disturbance Of one or more acres of land
- 2) Not a structure greater than 100 feet in height 3) Not a structure located in the 100-year floodplain
- 4) Not a mining operation
- 5) Not Building(s) with gross floor area 4,000 square feet
- 6) Not an Adult use

Schedule B: Referral Submittal Reference Matrix*

Actions listed below are exempt from the referral process.**

Site Plans and Special Permits	
Within 500'	Outside 500'
<p>1) Re-occupancy or reuse of existing structures <u>as long as</u> the following conditions are met:</p> <ul style="list-style-type: none"> - An increase in parking spaces is not required by local statute - Channelized access to State or County Road exists or is proposed - New site lighting, if proposed, utilizes full cut off luminaires and does not exceed IEA lighting levels. <p>2) Residential uses - Single and two-family dwellings, accessory apartments</p> <p>3) Signage that meets local zoning requirements</p> <p>4) Accessory Uses: Residential Structures =< 400 square feet**** Accessory Solar (Free-standing or Building Mounted)*****</p> <p>5) Wireless Telecommunication Facilities that are colocations per the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.***</p>	<p>All SEQRA Type II or Unlisted actions <u>as long as</u> the following conditions are met:</p> <ol style="list-style-type: none"> 1) Not a disturbance of one or more acres of land 2) Not a structure greater than 100 feet in height 3) Not a structure located in the 100-year floodplain 4) Not a mining operation 5) Not Building(s) with gross floor area >= 4,000 square feet 6) Not an Adult Use 7) Not a substantial increase in size of a wireless telecommunication facility or tower per the Nationwide Agreement for the Collocation of Wireless Antennas

Within 500'	Outside 500'
<p>Subdivisions that meet all of the following conditions:</p> <ol style="list-style-type: none"> 1) Fewer than 5 lots and 2) Access roads and structures are not located within the 100-year floodplain 	<p>Subdivisions that meet all of the following conditions:</p> <ol style="list-style-type: none"> 1) Not a type 1 action 2) Do not create greater than 5 acres of disturbance 3) Access roads and structures are not located within the 100-year floodplain

Area Variances	
Within 500'	Outside 500'
<p>Residential Side and Rear Yard Residential side and rear yard fence height Residential minimum lot size if central water and sewer is available Accessory Residential Structures =< 400 square feet****</p>	<p>All actions are exempt.</p>

Use Variances	
Within 500'	Outside 500'
<p>Uses where no physical expansion of structures, utilities, or facilities are necessary and/or does not occur on vacant lot.</p>	<p>All actions are exempt.</p>

*If not noted in matrix, referral is required.

**Exempt only if an agreement between the decision making body has been made with the UCPB. Please note that all zoning statute or map amendments, comprehensive plans, moratoriums, and other land use related authorizations are NOT EXEMPT from referral under any circumstance.

***The Nationwide Programmatic Agreement for the Collocation of Wireless Antennas can be found at: <http://wireless.fcc.gov/releases/da010691a.pdf>

****Accessory Residential Structures Includes - Non-habital sheds, garages, gazebos, pools, decks, and other similar structure for all residential uses.

*****Must be a Tier 1 Solar Energy System per NYSERDA's Model Solar Energy Law.

Last Updated: 3/6/2024

Tier 1 Solar Energy Systems include all Roof-Mounted and Building-Integrated Solar Energy Systems; Ground-Mounted Solar Energy Systems with a Nameplate Capacity up to 25 kW AC, or with a total Solar Panel surface area of up to 4,000 square feet; and On-Farm Solar Energy Systems designed to support an existing agricultural operation in the community. Permitted in all zoning districts, Tier 1 Solar Energy Systems comprise those which are likely to cause the least concern from a zoning and land use perspective. These systems will primarily support residences and small commercial operations, or may directly support agricultural operations.

Roof-Mounted and Building-Integrated Solar Energy Systems do not pose any land use or stormwater runoff impacts; as such, their inclusion under Tier 1 offers a streamlined permitting process while still ensuring adequate review and code compliance through a building permit requirement.

For Ground-Mounted Systems, the 25 kW AC Nameplate Capacity limit aligns with the Unified Solar Permit criteria: derived from the 25 kW cutoff for residential solar net metering as established by the NYS Public Service Commission (PSC). The 4,000 square foot size limit corresponds to the SEQRA Type 2 action threshold for certain accessory structures which do not require zoning changes or use variances.

Finally, On-Farm Solar Energy Systems are included under Tier 1 because, in accordance with NYS Agriculture and Markets Law Chapter 69, Article 25-AA Section 305-a and related guidance, these systems cannot be subject to unreasonably restrictive requirements such as site plan review, special use permits, or non-conforming use requirements.