



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 7th day of October 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, and Bonnie Franson, AICP CEP, 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:

A motion was made by Ryan Reid and seconded by John Szarowski to approve the Meeting Minutes of July 1, 2025. Vote: All Ayes: 7, Abstain: 0, Absent: 0

A motion was made by John Szarowski and seconded by Todd Widmark to approve the Meeting Minutes of September 2, 2025. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Borderline Deli Project Withdrawn:

Mr. Barnhart stated Borderline Deli Owner, Nanette Jenkins, has withdrawn her application and requested the Board to entertain a motion to accept the withdrawal of the application and return unused escrow funds that might have been provided for the project.

A motion was made by Rich Barnhart and seconded by Sal Patella acknowledging the Borderline Deli Application has been withdrawn by Ms. Nanette Jenkins, on September 25, 2025 as she decided not to move forward with the project. Any unused escrow provided to Town is to be returned to Ms. Jenkins. Vote: All Ayes: 7, Abstain: 0, Absent: 0

APPEARANCES:

**Two-Lot Line Revision -Lands of Jason Thorn – (Applicant No.: 2025-08):
SBL: 106.2-2-24.1 and 106.2-2-24.2, Zoning District: R-Ag 2, Address: 242 and 258 Old Reservoir Road, Acres: 14.59, Wallkill Fire District, Wallkill Central School District.**

Entered Into Record:

- **Lot Line Change Application from Mrs. Margaret Hillriegel dated September 10, 2025 has been Entered into Record regarding Subject: Lot Line Revision for Jason Thorn.**
- **Memo dated October 2, 2025 from Bonnie Franson, AICP CEP, PP – Thorn Lot Line Adjustment regarding Comments**

Project Review:

Mrs. Margaret Hillriegel stated Mr. Jason Thorn, the owner of both parcels, 242 and 258 Old Reservoir Road is requesting to transfer approximately two acres from one parcel to the other. Mr. Thorn lives in the newer house to the east. The house to the west was owned by Mr. Thorn's mother's who passed away and he now owns both parcels. This is a simple lot line change, and according to the new zoning, is not perceived as a subdivision.

Mrs. Hillriegel confirmed there is a dotted line on the map showing the property goes to the center of Old Reservoir Road. Mrs. Hillriegel requested the Board to waive the Public Hearing.

A motion was made by Todd Widmark and seconded by Ryan Reid to waive the Public Hearing for a lot line change based on the new Zoning Law. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Septic / Leach Field:

Mr. Hoyt questioned the location of the septic for the new Lot-1; if the line is going to be moved close to it and if you are good on the location of the leach field? Mrs. Hillriegel stated there is not much of a leach field present and it might even be much smaller than what is shown on the map. The applicant spoke to Cooper Septic Company and they are fine with where we moved it. If there was a replacement, there is plenty of room in front of the house and an expansion.

Ms. Franson stated because you are changing the lot line right around where the septic is, if there is a change in ownership, you do not have to suddenly go onto someone else's lot to service it. Mrs. Hillriegel stated we considered that and I did not change the text from where we had it on the original of the subdivision back in 2009, but we really do not think the septic is as large as I thought.

Wetlands / A-Stream:

Ms. Franson stated that the wetlands could be the DEC's. I am not advocating that you will need to do anything or reach out to anyone, but it can be shown as an informational wetland. The stream on the site is an A-Stream that is part of the Wallkill Water Supply. Ms. Franson requested to have a note that any disturbance within 50 feet, in the future, you need a DEC permit. These are informational notes that would be useful and nothing has to go to an agency at this time.

Fence Area:

Mr. Reid questioned if the fence on the original property line will be removed? Mrs. Hillriegel stated she will check as it used to be a dog fence and is rickety. Mr. Thorn stated the fence is irrelevant and is not going to be moved. Eventually, it is going to be taken down completely. Mrs. Hillriegel stated it is not completely standing anymore. Mr. Hoyt stated the property goes to the center of Old Reservoir Road. Mrs. Hillriegel stated Note #7 addresses the comment regarding the highway limits and use of road.

Deeds:

Mr. Hoyt stated we do not need new Deeds because Mr. Thorn owns both parcels. If Ulster County gets a lot line change owned by the same person, they will move the line. If owned by different people, they want to see the Deed transferring the property in question. Mr. Reid questioned if they can recommend a Confirmatory Deed confirming the new lot line.

Mr. Hoyt stated the way Deeds cost so much money anymore and if the County does not demand a new deed, it is because their records reflect common ownership. Mr. Reid stated he agrees. As a recommendation for the future, and a lot of times where we have had issues with a propagated lot line change, the next Deed will have the prior description instead of the new one and can be a problem if not confirming the new lot line.

Type II Action – Exempt from SEQRA:

Mr. Hoyt stated this is a TYPE II Action, and Exempt by a separate Resolution of the Board. A Type II Action under SEQRA does not need a SEQRA analysis.

A motion was made by John Szarowski and seconded by John Leonette to designate the action as a Type II Action Exempt from SEQRA. Vote: All Ayes: 7, Abstain: 0, Absent: 0

A motion was made by John Szarowski and John Leonette for a Conditional Final Approval subject to the notes Ms. Franson recommended be added to the Lot Line Change map. Vote: All Ayes: 7, Abstain: 0, Absent: 0

**Eagles Roost – Multi-Family Development – (Applicant No.: 2025-07):
Property Owner: Lewis Donnelly, SBL: 106.004-1-6.200, 25.797+/- acres,
Zoning: (H-1) District, Borden Home Farm Historic Overlay (BH-O),
portion of the Aquifer Overlay District (AQ-O), Wallkill Fire District,
Wallkill School District**

Entered into Record:

- **Memo from Ms. Bonnie Franson, AICP CEP, PP dated October 2, 2025 regarding comments.**
- **Memo from MHE, Mr. Patrick Hines, Principal and Michael Weeks, P.E. dated October 7, 2025 regarding comments.**
- **Resolution Letter from Owner: Authorization from the Lauren Investment Corp. granting Mr. Louis J. Donnelly full permission to act as authorized representative.**

Project Review:

Ms. Jane Samuelson stated she is from Engineering & Surveying Properties covering for Ross Winglovitz. Also present is Ms. Maria Donovan who is from J&G Law Firm for the applicant.

Ms. Samuelson stated the last time we were here; we were discussing the Draft Revised Scope for the Environmental Impact Statement. We have received comments from both MHE and Ms. Franson on the revised scope. We have gone through all of the comments. They seem very minor in nature. We are here tonight to accept the comments and will make the changes from your consultants. We will make sure that we have addressed them to your liking and then we could accept this an amended scope, and then take the scoping document to start writing the EIS based on the amended document.

Water and Sewer:

Mr. Szarowski questioned is the new development going to be maintained by one ownership? Mr. Donnelly stated yes. Mr. Szarowski questioned if the water and sewer are going to be an easement for the Town to maintain them. Mr. Donnelly stated they are private and he will maintain them from the street in. Mr. Szarowski questioned if there is going to be a Homeowner's Association (HOA)? Mr. Donnelly stated no, they are private. Mr. Szarowski stated then you will not be able to own them. There would need to be a Transportation Corporation in place to own them. You cannot form one unless you have an HOA or Condominium Association or your municipality. Mr. Donnelly questioned does that mean I cannot own the apartment complex? Mr. Szarowski stated you can, but you have to give it to

the Town so they can reach as far into the site and you are going to have multiple manholes. Are you going to charge for water and sewer? Mr. Donnelly stated no. I have built several complexes in my career, and once it comes off the Town property, it becomes my business, and if it fails, I have to fix it. The Town generally does not ever go into a project that is privately owned. Mr. Hoyt stated we will have a Development Agreement down the road. I think the issue you are bringing up may have to do with if it is more than one lot getting the service. Mr. Szarowski stated the Health Department will review it, but the DEC will not. Mr. Hoyt stated we have to make sure that someone covers this point in the Scope. Mr. Szarowski agreed and stated they have to review the sanitary sewer.

Wallkill Fire Department:

Mr. Barnhart stated he believes we need to reopen the Public Hearing. This is a distinct modification in the project from the last time in regards to the three-story buildings. There is a modification in the vicinity of the rail trail that is going to make it a little less secluded and I think the Public would like to have a little insight into that. In addition, the fact that we are going into a three-story building, something we have not done in the past, I would appreciate if my Planning Board Secretary, would write a letter to the Wallkill Fire Department.

Mr. Barnhart stated I would like a Chief Officer from the Wallkill Fire Department to appear at the Planning Board and give testimony in regards to this project. The letter is to be copied to the Fire Commissioners from the Wallkill Fire Department to assure that they are aware of this. I do not want the Fire District not to have a say if Mr. Donnelly is going to build three-story buildings. I want to hear from them that they have no issues and I would appreciate they be notified in writing and asked to appear at a meeting.

Public Scoping Session for Eagles Roost:

Mr. Hoyt stated it will be a Public Scoping Session. It was September of 2022 when this Board held a Scoping Session in this room before it adopted the Scope that is now proposed to be revised. Unlike a formal Public Hearing that will come later, the Scoping Session is where the board can get comments on this draft and what should be done to improve it. Fire Department can have input, and I would suggest scheduling for your November meeting, or your December meeting.

Ms. Samuelson stated this is a very comprehensive scoping document and do not see how many other topics could be added to this through an additional Scoping Session. I understand you want to let the neighbors know and we have done this in other Towns. We have sent out revised plans to the neighbors in the vicinity along with the scoping document so they could review it in light of the revised plan. We have given 30 days to give comments back to the Planning Board so that they can be put into the document rather than spending time having another Public Session.

Mr. Barnhart stated it has been a while since Mr. Donnelly has been to the Planning Board for his other project for quite some time. I would like to err on the side of caution and make sure that people in the community have something to observe. If we can do it in one meeting in November, fine, unless anybody else on the Board feels differently.

Mr. Donnelly stated, the last time I was here, we sent several letters to the Fire Department and no response back. It was one of my favorite projects that got paused and hit with a \$300,000 bill to do the full draft EIS after everything else was done. The reason why I had left.

Mr. Reid stated this is also going to be the biggest project that the Town has seen in one property or on one land. Mr. Donnelly stated it is the only property in the Town. Unless, there is a Hamlet that is zoned for it and can support it. Mr. Donnelly stated it took 20 years to get 30 Lots approved. There was a lot of Engineering and work that had gone into this project. I was blindsided by the project because I thought the community wanted it and we

were going to do housing in the area. I am here now with representation, and we are going to do whatever you guys want to try to move it along.

Bedroom Size:

Mr. Reid stated you now have all of them having three bedrooms and has changed since the prior plan? Ms. Samuelson stated they were not three bedrooms before and now we do have some units that have three bedrooms. Mr. Donnelly stated they were only one or two bedrooms before. It is broken down so you can have one up to three bedrooms.

Parking Garage / Land Disturbance:

Mr. Tango questioned if there was ample parking? Mr. Donnelly stated we have parking and some garages. Mr. Hoyt stated the old plan showed parking down below. Now it shows garages. Mr. Donnelly stated we have less impact on the total lot coverage and disturbances in the wetland buffers. The DEC was fine with the plan when we revised it originally. Mr. Winglovitz came up with this plan and stated it was a lot less disturbance. If that does not really work for you, we will go back to the old plan. This is a better design for more green space and a more condensed project. Ms. Samuelson stated we are going to put the other plan that you had seen before, as an alternative in the EIS so you can compare the disturbance and all the other impacts that come from this plan.

Building Height Requirements:

Mr. Donnelly stated we are going to do all the design requirements by the Building Department and State Codes, as well as the height of the building is going to be the current zoning height. Although they are three stories, they do meet the height requirement.

Mr. Barnhart questioned if we need a motion to have a Public Scoping Session on Wednesday November 5th. Mr. Hoyt stated I would, and in that motion, who should get a mailing? A lot of times, we will do a mailing to owners within so many feet around the property. I think the people that border to the north are probably the comments you are chasing for the most part.

A motion was made by Ryan Reid, and second by John Szarowski to make a motion to hold a Public Scoping Session on Wednesday, November 5th for Eagles Roost at 7:15 PM. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Fire Chief Letter:

Mr. Barnhart confirmed with the Planning Board Secretary to make sure that a letter goes to the Fire Chief and Board of Fire Commissioners.

Lead Agency:

Mr. Hoyt stated it has been three and a half years or more since you declared Lead Agency on this and any agency that received that letter from you is the last they heard because the project had stopped. You want to make a motion re-declaring Lead Agency. I do not think this will affect your Scope Session and I do not believe anyone will challenge you.

A motion was by Todd Widmark and second by John Szarowski to reaffirm Lead Agency for this project. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Ms. Franson stated we will do the recirculation. Ms. Samuelson questioned you are going to do the recirculation to be Lead Agency? Ms. Franson stated yes, and I need to make sure I have the right digital copy of the map to attach. Ms. Franson stated she will be circulating the Scoping document too.

500' Radius:

Ms. Samuelson questioned who will handle the neighborhood mailing to the property owners? Ms. Franson stated that would be through the Planning Board. Mr. Hoyt stated

there is going to be a lot of homeowners in that neighborhood area. Mr. Patella stated they are entitled to this because of the traffic concerns and everything else when looking at the entrance area. Ms. Franson questioned if we should send the Scope to everyone or to have in the notice that it will be on-line? Mr. Barnhart stated to put it in the notice that they can find it on-line or to pick-up a hardcopy at the Planning Board Office. Mr. Barnhart questioned if we should include the School District and Mr. Hoyt stated yes to include the School District. Since this not a formal Public Hearing the letters do not have to go out certified.

Scope Title Page:

Mr. Hoyt stated the Title Page of the Scope is to include the following;

***Amended Final Scope
Originally Adopted by the
Town of Shawangunk Planning Board on
October 4th, 2022.***

Revisions Adopted <Date>

Scope with Red Line:

Mr. Hoyt stated Mr. Szarowski's comments should be folded in regarding the possible need for a Transportation Corp? Ms. Franson stated it will be circulated as a red line to be clear what the old one states compared to the new one and for Ms. Samuelson to forward the document to us to do a final check before sending it out. Ms. Samuelson questioned the document we are going to publish on-line is going to have the red line? Ms. Franson stated yes because people who may have looked at it before can see what the changes are and that it is a draft.

Mr. Reid questioned Ms. Samuelson if there is a Resolution from the current owners? Mr. Hoyt received the Resolution of Owner stating "Authorization from the Lauren Investment Corp. granting Mr. Louis J. Donnelly full permission to act as authorized representative. The name of the individual signing the resolution had been left off, and Mr. Donnelly inserted the name into the document.

Mr. Hoyt questioned to have the Scope Session start at 7:15 or 7:30 PM in case there is other business to do first? Mr. Barnhart stated we will have Mr. Donnelly appear at 7:15 PM on Wednesday, November 5th for the Scoping Session. Note: The meeting is on Wednesday because we are closed on Tuesday, Election Day.

**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**

Entered Into Record:

Photo of a HS-20 Temporary Bridge provided by C.T. Males Associates.

- **Draft NegDec from Ms. Bonnie Franson, AICP CEP, PP dated October 7, 2025.**
- **Memo from MHE, Mr. Patrick Hines, Principal and Michael Weeks, P.E. dated October 7, 2025 regarding comments.**

Project Review:

Mr. Ari Goldberg stated he is from the law firm Barclay Damon representing USLE and Mr. Chris Koenig, Project Engineer, from C.T. Males Associates. Mr. Goldberg stated they met with the Zoning Board and presented a revised site plan to the Board and submitted to

all on September 25, 2025. I am going to walk through the basis for the change and some other project revisions that are relevant to the Planning Board in making a decision.

Mr. Goldberg stated previously it was 19.6 acres of clearing, and the solar array line went close to the property line with the 50' buffer, but needed a variance from the Zoning Board for an additional 9.6 acres above the 10 acres limitation for clearing. In discussion with the Zoning Board, the plan is now 15 acres of clearing. The main area where we shaved off 4.6 acres is this corner of the property (pointing to the map on display), we further moved the array back away from the small wetland, and this corner as well, further moving the array back, away from the adjoining residential properties on this side and the tree area.

Ulster County's Comments:

Mr. Goldberg stated Ulster County was concerned over us intruding into the Core Habitat area. According to the Map Layer, it is a Core Habitat Area 5. It means it is the most run of the mill, but still a Core Habitat for Ulster County. By adjusting the solar array, we are avoiding that Core Habitat Area, which has its fingers into the parcel and this brings the project down to 15 acres of clearing.

Host Community Benefit to the Town:

Mr. Goldberg stated as part of that iterative process with the Zoning Board, we arrived at a Host Community Benefit Agreement. This means, there is a direct payment to the Town's General Funds. The payment is calculated in comparison to the number of acres cleared. In the project submission to the Planning Board, we are committed to any conditions on approval, including to enter into the Host Community Agreement where USLE agrees to pay \$5,000 for every acre cleared as part of the project. The 15 acres time \$5,000 equals \$75,000. This is the Host Community Benefit Agreement.

Revised Decommissioning Plan and Land Regrowth:

Mr. Goldberg stated the plan has been revised to include reforestation. Upon decommissioning of this project, we will reseed this area to allow for the growth of any trees subsequent to the removal of any panels. We now fully understand the position of the Town and we respect their concerns regarding tree clearing. We shrunk the project as a result and we have negotiated this Host Community Benefit Agreement and reassured reforestation in the future. We present clearing, present mitigation, and future mitigation as well.

Ulster County GML Referral:

Mr. Goldberg stated what we are asking for tonight is to at least make a County Referral for their November 18th meeting while working in conjunction with Ms. Franson and her team, and MHE. We received comments from them yesterday that Mr. Koenig already started responding to. Most of them are just a matter of pointing everyone in the right direction of what we already submitted.

Consultant Comments:

Mr. Goldberg stated there are a couple more comments from Ms. Franson on our SEQRA documentation and separate comments as well from a project as a whole. We do not foresee our responses to those comments changing the cycle any further. This is our best design and foot forward in consideration of everything we heard at the Zoning Board level and from members of the public that showed up, people around this area. We adjusted to clear out this area (pointing to the map), and also from the County who participated in this process as well.

Reasons for Reducing Size:

Mr. Koenig stated we covered the whys for reducing the size with the Zoning Board and to provide the small wetland an undisturbed wood buffer around it. The EMC had a visit to the site and in their only letter to the Planning Board, they asked for a 25' buffer and we are providing a 50' buffer minimum and is larger in some other areas. EMC concerns have been

addressed. The reduction in the northeast corner of the site was to move it further back from the residents as Mr. Goldberg mentioned and this area is the most steeply sloped area on the site and would not consider it egregiously sloped. It is less than 15% and where we decided to remove the panels, reduce erosion, and issues constructing on sloped land.

Interconnection Equipment:

Mr. Koenig stated some of the other updates is we put the Customer-Owned Interconnection Equipment up by Bruynswick Road at the ground level on a pad. It is essentially removing three (3) poles from the lineup that is all the customer equipment. The other three (3) poles are the utilities equipment and their ownership of the poles. We cannot unilaterally make a decision to put on the ground without their approval, but we did put the poles and the interconnection equipment underground.

Access Road:

Mr. Koenig stated they shifted the access road along the western property boundary to follow an existing trail and consolidating all of the disturbance for that area. It is already essentially in place and not having a road go through the middle of the property and moving wire fences and basins.

Retention Basins:

Mr. Koenig stated as part of the reduction in the slope area, we lost a retention basin because that drainage area is no longer intact. It is no longer cleared and we also reduced the disturbance associated with the third dry retention basins. We now have two, with the size and volume remaining the same. We do not need the third one because we are not disturbing soil or clearing land on that side of the site.

HS-20 Heavy Duty Bridge / Stream Crossing:

Mr. Koenig stated there has been discussions and comments about the stream crossing that has been there. We changed the design to a timber bridge. A timber bridge has been designed for crossing an intermittent stream and to span the stream. Mr. Koenig showed a picture of a HS-20 heavy duty timber bridge from a golf course application. The company that builds the bridges is in Central New York. It is about 16' wide and single lane permitted. We will make sure it is clear with the Fire Department. This avoids any impact to the stream at all. The size of the culvert we were proposing would not have any impacts but now we can avoid any disturbance in that stream which further advances the environmental agenda of the project as well as all the setbacks we are providing to the wetlands. The stream is constructed the same grade as shown in the photo. More or less, it is a ditch with water flowing through it.

Temporary Crossing:

Mr. Szarowski questioned the temporary crossing. Mr. Koenig stated there is currently an existing trail that enters the wooded part of the property, and it crosses the stream. There is an existing culvert that is in there and not professionally installed. It is there so the drainage flows through. I cannot say it meets all the drainage requirements but it is good enough for a temporary crossing. We would show on construction level drawings or even project plans, if needed, is essentially a timber mat crossing that would be set in the stream, mostly for construction access, for the clearing portion of the project. Once the civil contractor is doing his work, that is probably when the bridge would go in at some point as the project is being constructed. I do not think building the bridge as the first item would be smart. You would want to get in there with heavy equipment and start clearing things out, moving most of the heavy construction equipment out through that temporary haul road and then use the bridge for more of a permanent access. This is shown on the plan as well and is the plan for the crossing.

Stormwater Basins:

Mr. Szarowski stated the stormwater basins you are saying are infiltration in one area, but you have an orifice right at the bottom of the pond and no retention for water for infiltrating.

Plus, there is no perc test for infiltration. Mr. Koenig stated we are not designing with any infiltration.

Mr. Szarowski questioned why it is on the shared link as infiltration basins? Mr. Koenig stated he will make sure that is clear. Mr. Szarowski questioned how are you reading your green infrastructure requirements? Mr. Koenig stated through the use of the dry detention basins. Mr. Szarowski stated that is not an acceptable practice for an appropriate infrastructure. You need some kind of an infiltration. Mr. Koenig stated he will check for clarification. Mr. Szarowski stated you have details on them, but like I said, there is an orifice at the bottom, so there is actually no water held. If the orifice was up a couple inches and the purpose were to get infiltration, this would work, but right now you do not have infiltration.

Grading:

Mr. Szarowski questioned if there will be any grading under the panels because you show topsoil and seed there? Mr. Koenig stated we are not changing the grades of the site. The intent is to keep the existing grade. Mr. Szarowski requested the stockpile to be moved to the outside of the woods. It only needs to be moved a bit so it does not show it is inside the woods. Mr. Szarowski stated the stormwater problems are the swales do not actually make it to the stream. You probably want to connect them a little bit better to the stream as it comes up shy. Mr. Koenig stated they can cut more stone.

Jurisdictions / Vernal Pools:

Mr. Szarowski questioned if there was any jurisdictional information on the wetlands? Mr. Koenig stated yes, we received feedback from Region Three, and she concurred that the wetlands on the site would not be jurisdictional. She came short of actually issuing a negative letter because she said only the central office can do that. We subsequently submitted that jurisdiction to the central office, and we are still waiting for that, but it is based on her email. Ms. Franson stated it would be based on vernal pools, species of salamanders, the unique characteristics, and only they can determine that. Mr. Koenig stated for the vernal pools there is a predetermined list that they are using. It is not a case-by-case, so they are not making landowners and applicants go study vernal pools. If you are not on the list, then it is not in DEC's jurisdiction.

Fire Equipment and Access:

Mr. Widmark questioned where the solar panels are going, will they be fenced in? Mr. Koenig stated yes. Mr. Widmark questioned are you allowing the space for fire equipment outside the perimeter of the array? Mr. Goldberg stated it is the distance between the edge of the array and inside the fence which is 60 feet. Mr. Widmark questioned if there was a fire, our fire equipment is not really allowed inside the array? Does somebody call a special team that goes inside the panels and converter? If there is a fire on the back side of the array, how will the Fire Department get there if you are looking at 15 acres? Mr. Goldberg stated the best way to address that is to provide a Knox Box on the gate so the Fire Department does have access to the inside. Mr. Widmark questioned if they are allowed to access without special training? If there was a fire internally and with only one gate, what is going to happen? I would like to see some way to get around your 15 acres of array which may cut down the number of panels you have.

Watchtower Fields:

Mr. Widmark stated his next concern was moving the array back away from residential houses. Are you talking about moving it back where the Watchtower farm fields come down? Mr. Goldberg stated they are pushing away from the Watchtower fields and back into the land. Mr. Widmark stated I am familiar with the property and you have very mature trees on that side and going towards the residential houses, there are fewer trees which would be good, but you are cutting some beautiful trees. Mr. Goldberg stated we are permitted to cut

10 acres and we are cutting five above that by the calculation that we have agreed upon. When we presented this to the Zoning Board, the words they used to us was "this time it is palatable". Mr. Widmark questioned if they approved it. Mr. Goldberg stated they cannot approve it because they need a SEQRA determination completed first by the Planning Board to open up their authority to the zoning variance. The reason we came back is because they said it was palatable and why we made the formal submission to them. Mr. Goldberg stated it is a balance between where we could go. Maybe then we are trading concerns that we have not seen yet from the Watchtower or concerns of neighbors who were at the Public Hearing for the Zoning Board. That is why we addressed it. Mr. Reid stated we would have to stay away from slopes with Zoning. Mr. Goldberg stated it is best practice to stay away from that. Additionally, the mature trees Mr. Widmark is mentioning in this area (pointing to the map) is the Core Habitat that the County referenced. It is an area to avoid the steep slope and the mature trees that exist here. We do keep the existing level of mature trees in this area.

Buffer Maintenance:

Mr. Barnhart questioned who is going to maintain the buffer? Mr. Goldberg stated it is Mr. Sparaco's land and I do not know if we adjust the limits of our lease for the final array so that he could access it. Mr. Sparaco has been in most of our meetings and we can talk to him about it. Mr. Barnhart questioned ten (10) years from now, is it still going to be a 50' buffer and maintained for that purpose? Mr. Koenig stated during construction, we would put orange construction fencing around the wetland itself or some kind of regulated buffer. If this is something you would like to see, we can certainly put that in the discussion.

Solar Permit / Registration:

Mr. Reid stated the solar permit is renewed every five (5) years. Mr. Hoyt stated there is a registration requirement; not to be confused with the permit itself. Mr. Reid stated if you are approved for the solar special use, they are asking you to renew it and continue it. Mr. Goldberg stated they will look into it. Ms. Franson stated even though it is outside the lease area, your NegDec is saying they are not going to disturb the vernal pool. It does not matter whether it is part of the overall site plan. Mr. Widmark questioned if they were looking to acquire additional property. Mr. Goldberg stated not at this time.

Facility Access:

Mr. Koenig stated he would like to address the comments around the access of the facility. The way we set the tree line is 10 feet off the fence line and that allows them to install the fence line efficiently. On other projects, like the one in the town of Crawford, what we did was, in conjunction with MHE Engineering, after the site plan application, they asked us to show a 10-foot clear path around the outside of the fence line. It will not add to any clearing because it is already shown like that. If you would like, we can designate a clear path around the perimeter of the fence line and also add a couple additional view gates or man gates to allow those points of entering. Mr. Widmark agreed and stated 10 feet is sufficient for any heavy equipment; a secondary access or third to get out of the right away, in case somebody was trapped in. Mr. Goldberg stated we can do that. Mr. Koenig stated the fence line and the tree line we designate that as clear path and then add some gates.

Mr. Patella mentioned the width of the bridge from the comments and wanted to make sure we are discussing apples to apples and the size of the bridge in our Fire District.

Ms. Franson stated she will take a look at that and that involved the DEC wetland. I think there was a stream there that was regulated on the MacGruder Solar Project.

Mr. Patella stated the width was more for access. Mr. Koenig stated the way they are built, the lumber is an 8' section. Mr. Goldberg stated it is added cost to a relatively small crossing, but it also enabled the project to move forward without having to go through federal reviews. Federal permits is one of the other reasons why we are trying to avoid any cuts. Mr. Reid stated I think if the Fire Department is okay with that size, then it is worth it.

Additional Information of the Host Community Benefit Agreement (HCBA):