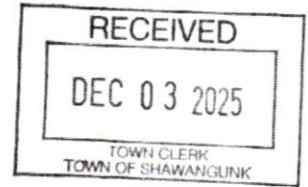


Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Shawangunk Town Hall, 14 Central Avenue, Wallkill, New York, on Wednesday, the 5th day of November 2025.

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



Also Present: Rich Hoyt, Esq., Planning Board Attorney; Bill Brady, AICP Planning Consultant, Nelson Pope Voorhees; John Cappello, Esq., J&G Law Firm. Please see the sign-in sheet for rest of attendees.

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

Open Regular Meeting: 7:00 pm

Emergency Exits Announcement

Pledge of Allegiance

Approval of Minutes:

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

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

CONTINUATION OF PUBLIC HEARING:

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

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

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

PUBLIC HEARING:

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

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

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

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

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

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

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

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

APPEARANCES:

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

Project Review:

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

Agriculture & Markets:

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

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

Town Property Line:

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

Greenhouse:

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

Certificate of Occupancies (CO):

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

GML Review:

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

Ag District Exemption:

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

Structures & Usage:

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

Next Steps:

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

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

Project Review:

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

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

Property Descriptions:

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

Dwelling:

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

Comments:

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

Road Frontage:

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

Property Access:

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

Next Steps:

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

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

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

Project Review:

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

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

Construction and Walk Through Inspection:

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

Building Department – 30 Day Notice:

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

Lighting and Signage:

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

Waive 30 Day Notice:

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

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

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

Project Review:

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

Sign:

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

Hours of Operation:

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

Structure:

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

Waive 30 Day Notice:

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

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

Town Fees:

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

**US Light Energy Solar Array – Mike Fingar (Applicant No. 2023-01):
SBL: 99.2-6-10, Zoning District: R-Ag 4, Acres: 33.8, Address: 2319 Bruynswick Road, Wallkill, NY 12589, Shawangunk Valley Fire District, Wallkill Central School District**

Project Review:

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

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

Public Hearing and Negative Declaration Process:

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

Shawangunk Valley Fire Company Review:

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

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

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

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

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

Negative Declaration Review:

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

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

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

See attached Negative Declaration at the end of this document.

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

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

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

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

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

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

CORRESPONDENCE:

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

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

ADJOURN MEETING:

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

Respectfully

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

PUBLIC SCOPING SESSION:

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

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

Project Review and Background:

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

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

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

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

Site Plan Changes:

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

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

Environmental Studies:

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

2022 Project Status:

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

Beginning of Questions:

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

Wallkill Fire Department – Robert Malatesta, Chief:

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

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

Mr. Reid stated he has two comments to address:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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