



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 2nd day of December.

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; Bonnie Franson AICP, CEP, Nelson Pope Voorhiees, Planning Board Consultant. Please see the sign-in sheet for other attendees.

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

Open Regular Meeting: 7:00 pm

Emergency Exists Announcement

Pledge of Allegiance

Approval of Minutes: November 5, 2025

A motion was made by John Szarowski and seconded by Todd Widmark to approve the November 5th, 2025 Planning Board Minutes. Vote: All Ayes: 7, Abstain: 0, Absent: 0

CONTINUATION OF PUBLIC HEARNG:

Bardin Subdivision – (Applicant No. 2025-04): Proposed 2 Lot Subdivision, SBL: 99.3-4-39.311, Acres: 115 +/-, Zoning District: 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 questioned if anyone was present to address the Bardin Subdivision. There was no one present at the meeting to respond and a motion was made to approve a Continuation Public Hearing at the next Planning Board Meeting on January 6, 2026 at 7:00 PM.

A motion made by John Szarowski and seconded by John Leonette for a Continuation of Public Hearing regarding the Bardin Subdivision at the January 6, 2026, Planning Board Meeting. Vote: All Ayes: 7, Abstain: 0, Absent: 0

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

Project Review - USLE:

Mr. Ari Goldberg stated he is from the law firm of Barclay and Damon and is the attorney for U.S. Light Energy. We are back here before the Planning Board tonight because the last time we were here, you granted a Negative Declaration for the 2.5-Megawatt AC solar array at 2319 Bruynswick Road. Soon after that, we went to the Zoning Board of Appeals and received the

Regular Meeting
December 2, 2025
Page 2 of 15

area variance, with respect to our clearing, granting us an additional five acres to clear over the 10-acre maximum.

Mr. Goldberg stated with the area variance approval secured, what is now back with the Planning Board is our two final discretionary zoning approvals; the Site Plan Approval and Special Use Permit Approval. There is a draft resolution before you to review paragraph by paragraph and to open up any questions from the Board.

Project Review Resolution WHEREAS Clauses:

Mr. Goldberg reviewed the Resolution WHEREAS Clauses listed below (see full document at the end of the minutes).

- USLE applied for site plan approval and a special use permit from the Town of Shawangunk Planning Board in connection with their proposed 2.5 MW AC large scale ground mounted community solar project.
- Under the Zoning Code § 177-23.1, the project is permitted at the property subject to Site Plan and Special Use Permit, both issued by the Planning Board.
- USLE submitted application for Site Plan and Special Use Permit to the Planning Board in April 2023, and as proposed as 5.07 MW DC/3.75 MW AC.
- Planning Board determined the project to be a Type I Action, implementing the New York State Environmental Quality Review Act (SEQRA) and declared Lead Agency for the application on September 5, 2023.
- Multiple appearances before the Planning Board and the Town Zoning Board of Appeals resulted in design revisions and a reduction to the MW AC from 4.67 MW DC/3.75 MW AC to 3.58 MW DC/2.5 MW AC.
- The total amount of clearing has been reduced from 19.6 acres to 15.7 total acres of ground disturbance, which is inclusive of 15.0 acres of tree clearing.
- Modified the Solar Array Decommissioning Plan to include funding for future reforestation of the property.
- Mitigate the tree clearing; commitment from applicant in writing to a Host Community Agreement in the amount of \$5,000 for every acre of trees cleared.
- In current site plan, 15 acres of tree clearing amounts to \$75,000, which the Town will use, at their discretion, to procure and plant additional trees throughout the Town or on Town Property and pursue other conservation and community enhancement efforts in furtherance of conservation.
- A Public Hearing on the Site Plan and Special Use Permit was held on November 5, 2025, and closed on December 2, 2025 and public comments and concerns received at the hearing were duly considered by the Planning Board.
- The Planning Board became Lead Agency on September 5, 2023 and issued a SEQRA Negative Declaration on November 5, 2025 and determined the project would not result in any significant adverse environmental impacts.
- Zoning Board of Appeals granted a 5-acre area variance on November 19, 2025 allowing 5 more acres above the 10 acres of tree clearing permitted.
- In accordance with the Zoning Law, the Planning Board grants the Site Plan Approval and Special Use Permit by the Applicant and issues a Special Use Permit requested by the Application based upon the Planning Board findings as stated in the Resolution.

Zoning Board of Appeals (ZBA) – Variance:

Mr. Goldberg stated an approval from the Zoning Board of Appeals has been reviewed and approved:

- *The Project requires one area variance, which the ZBA granted, finding that the benefit to the Applicant outweighed any detriment to health, safety, and welfare of the community. The Property's*

Regular Meeting
December 2, 2025
Page 3 of 15

use as a solar array will not compromise any natural, historic, or scenic resources of the Town. The Project will not be visible from any roadway or historic structure.

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

Visual Impact:

Mr. Goldberg stated the visual impact on the site, limited our tree clearing to ensure that we complied with the required 50-foot green buffer and strategic landscaping near our site entrance. Supplemental visibility analyses have been done from Gertrude's Nose, Sams Point, and Sky Top.

- *The Project complies with this requirement utilizing two large supplemental planting and vegetive screening areas long the entry point to the property coming off Bruynswick Road. The planting schedule, see Sheet C-105, outlines how these supplemental plantings pairs with existing vegetative cover to shield Project views.*
- *It is anticipated that the site would be visible from public vantage points elevated above the site, e.g., Shawangunk Ridge parklands. Minnewaska State Park, Shawangunk Ridge, and Shawangunk Mountains Scenic Byway are within 5 miles of the site. Given topographic conditions, the solar facility would not be visible from the scenic byway. However, it will likely be visible from publicly accessible trails along Shawangunk Ridge and Minnewaska State Park given the park's elevation above the valley. In June 2024, C.T. Male supplemented its Visibility Analysis with profiles from Getrude's Nose, Sam's Point, and Sky Top Tower. The solar facility would likely be visible from Getrude's Nose, which is one of the closest vantage points within the park system as well as other points close to Gertrude's Noise, e.g. Millbrook Ridge. While the solar array will be visible, the Planning Board finds it is sufficiently distant to not represent an adverse visual impact.*

Fifteen (15) Acres Tree Clearing:

Mr. Goldberg stated in the Draft Resolution there is a WHEREAS clause (Page 2) regarding the fifteen (15) acres of total trees to be cleared and a \$75,000 payment will be given to the town for their discretion to procure and plant additional trees throughout the town's property and to pursue other conservation

WHEREAS,.....Lastly, to mitigate the tree clearing, the Applicant also committed in writing to a Host Community Agreement in the amount of \$5,000 USD for every acre of trees cleared (15.0 acres in current site plan), amounting to a total of \$75,000, which the Town will use, at their discretion, to procure and plant additional trees throughout the Town or on Town Property and pursue other conservation and community enhancement efforts in furtherance of conservation in the Town;

Street Parking:

Mr. Goldberg stated there is only occasional maintenance activities, therefore, minimal street parking is needed.

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

Water and Sewer:

Mr. Goldberg stated no water, and sewer will be needed and the wetlands on the southwest corner of the property have been taken into consideration.

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

Stormwater Management Facility:

Mr. Goldberg stated a stormwater management facility has been designed to prevent flooding and handle any runoff. It is maintained and impactfully mitigated through the strategic landscaping.

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

Megawatts (MW) / Alternating Current (AC):

Mr. Goldberg stated the size has been reduced to 2.5 MW / AC which was the size that was granted during area variance by the ZBA in November of 2025. USLE is revisiting the Planning Board for the final discretionary zoning approvals; Site Plan and Special Use Permits approval.

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

Draft Resolution Submission from Ms. Bonnie Franson, AICP, CEP:

A draft resolution was submitted to the Planning Board for approval. The draft resolution includes WHEREAS clauses. One WHEREAS clause states that the Planning Board reviewed all the application materials, site plans, the engineer submission, narratives, code compliance memorandum, the Full Environmental Assessment Form (FEAF), technical information, public comments, and it allows the Planning Board to make their resolution (see Page 4).

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

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

SEQRA Review:

During this project, it was found to be a Type 1 Action under SEQRA regulation process (State Environmental Quality Review Act). When a SEQRA Type 1 Action determination is made a SEQRA process is started that involves agencies of the county, state, and others in the town.

Comprehensive Plan:

A Comprehensive Plan was completed, and the findings were that the project does achieve goal of the May 2021 Comprehensive Plan. The Comprehensive Plan emphasizes the importance of preserving agricultural land and the solar array project has no impact. These are some of the goals that will be cited in the draft resolution and presented to the Planning Board. There is no water or sanitation on the site and only occasional maintenance will be done with minimal off-street parking; there are no concerns.

Zoning Code Section 177-23 – Solar General Requirements:

There are general solar requirements for this project that are more straight forward than other codes. Solar Code, Section 177-23.1, Number 2 states: ".....*The plans for such connections must be submitted and the application must include the details of all such connections that are on or off-site. Any connection to the public utility grid must be inspected by the appropriate public utility*". One of the conditions for this application's approval is that written proofs are submitted of the final unity connection. USLE has agreed to this code.

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

Mr. Goldberg continued to discuss the Solar General Requirement, Number 3, regarding New York's Uniform Fire Prevention and Building Code and National Electrical Code (NEC) standards. Mr. Jim Miller testified at the November 5th, 2025 Planning Board Meeting regarding his view of the Site Plan as it relates to his role as Commissioner of Shawangunk Valley Fire District. Mr. Miller also previously stated that the site plan has been reviewed, and the district had no further comments on the plan. Training will be provided on how to address any emergencies.

SWPPP:

Stormwater regulations and the Stormwater Pollution Prevention Plan (SWPPP) has been submitted, and the information can be found in the full SWPPP.

- I. *The Planning Board hereby approves the Site Plan as requested by the Applicant, subject to the following conditions:*
 - i. *Final site plan. Submission of a full final site plan in proper form, including a fully designed SWPPP, revised so as to conform with the conditions of approval set forth herein, and signed by the Applicant and the duly licensed professional who prepared the site plan, and to be signed by the Planning Board Chairperson. The final site plan set shall include all sheets prepared for this project, including the landscaping plan.*

Noise and Setbacks:

The noise-producing equipment on most solar arrays is from inverters and are setback over 100 feet. All of the findings here have shown that we are complying with all the setbacks.

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

- a. *Height and Setback:....."Additionally, all inverters shall be setback the lesser of 100' or until the electro-magnetic field (EMF) meets a background level determined by the Planning Board to be acceptable"*

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

Decommissioning Plan, Bond, Three-way Agreement, Reforestation:

As a condition of the approval, we should take the Decommissioning Plan a step further and enter into a Three-way Decommissioning Agreement (a tri-party agreement) with USLE, the town, and the landowner. Structure the agreement to be passed on to additional owners of the land. If the property was to be sold while we are leasing it, the new owner would be buying it subject to lease. A memorandum of the Three-way Agreement shall be recorded in the Ulster County Clerk's office. The property is protected if it is sold during the life of the Solar Array lease.

Decommissioning is the responsibility of the operator. In thirty-five (35) years, USLE or another party would decommission the array. The array will be stripped down to the land; trees will be planted for reforestation, and that will be the end of the life of the solar array. If circumstances arise where you cannot find USLE Operator, the town will have the authority to call upon the bond that will be in place. The town will then be able to handle the decommissioning on their own.

The bond ages with the project and it increases each year to account for inflation. If in twenty-five (25) years the Code Enforcement Officer stated the project is not operating or generating electricity, and you want to decommission it per the Decommissioning Agreement, the town will mail out notices. If there are no responses back from the notices, the town can use the bond and move forward with decommissioning.

Mr. Barnhart questioned the reforestation formula? Mr. Goldberg stated he believes the formula is a 5:1 ratio for reforestation from the National Audubon Society. Meaning, five trees

Regular Meeting
December 2, 2025
Page 6 of 15

planted for every one tree removed. Our commitment for the Decommissioning Plan is going to be non-invasive species. A full Decommissioning Plan has been previously submitted to the Planning Board which includes reforestation of the property.

The note states: *“Upon system decommissioning, the limit of clearing shall be reforested with native tree saplings suitable for site conditions at the time of decommissioning, including but not limited to the following species: White Oak, Red Oak, Pin Oak, Fir Oak, White Ash, Red Maple, Butternut Hickory, Shag Bark Hickory, or approved equivalent”.*

It is private property and with the Decommissioning Agreement, we are putting some level of coordination with the property owner. Currently, the plan states that *“At the time of decommissioning of the property, it will be reforested”* and to be agreed upon with the town and the property owner.

Conditions Upon Approval:

The NOW THEREFORE BE IT RESOLVED clause (Pages 4 – 21) are conditions upon approval to ensure that the testimony of the applicant aligns with private operations and project construction.

The first condition relates to the Site Plan Approval as requested. The reason the project is under Site Plan Approval is to relate to the physical site plan document that will be signed off on with the Planning Board and the Code Enforcement Officer will help us assess.

The second one allows the Planning Board Chair, prior to the signing by Town Consultants (planning, attorney, and engineer), reviewing the site plan to confirm that the client has met the conditions on approval. The Town Attorney conducts this final review of all the notes that appear on the site plan and then it is signed by the Planning Board Chair, as long as the remaining fees have been paid. The final site plan also has to be consistent with the Negative Declaration 2.5 MC / AC with the fifteen (15) acres of tree clearing. These two key components will be important to monitor.

Host Community Agreement (HCA):

The first part of the Host Community Agreement condition states: *“To mitigate the tree clearing, the applicant committed in writing to a Host Community Agreement in the amount of \$5,000 USD for every acre of trees cleared (15.0 acres in current site plan), amounting to a total of \$75,000, which the Town will use, at their discretion, to procure.....”.* The second condition under the Host Community Agreement is about the timing of that payment. The HCA shall call for payment to be made to the town at the time the Building Permit is issued, or if tree clearing occurs if no Building Permit is required, or not later than December 31, 2026, whichever occurs first.

Mr. Goldberg stated, while this project is ready to go, we would like to start to clear trees before the season ends. If the financing falls through and things change, the landowners can change their minds. We have not seen it happen too much, but the drop-dead date is just in consideration of what happens if we have to come back and discuss something different than what we have already proposed. The goal is to have the payments no later than the end of next year. We will then come to the town for procurement and plant in the 2027 season at the latest.

Zoning Board of Appeals:

On November 19th, 2025, the Zoning Board of Appeals made a motion to suggest the town and the Planning Board organize a Tree Committee and enlist the assistance and advice of a landscape professional to decide the species, confirm the locations, and planting protocols for the trees discussed in the HCA. A first motion was made by Mrs. Susan Wiand and seconded motion was made by Mrs. Sandy Damon regarding this matter and the ZBA had voted unanimously.

Site Plan and Special Use Permit Final Resolution Approvals:

It was agreed by the Planning Board and Town Consultants to move forward with a motion to grant approval, upon “**conditions**”, for the Resolution Site Plan and Special Use requested by Mr. Ari Goldberg and Mr. Mike Fingar.

Public Hearing:

Mr. Hoyt advised the Planning Board to close the Public Hearing.

A motion was made by Sal Patella and seconded by Tom Tango to close the Public Hearing today, December 2, 2025. Vote: All Ayes: 7, Abstain: 0, Absent: 0

A motion was made by Ryan Reid and seconded by John Leonette to approve the Resolution Site Plan and Special Use Permit to the Applicants, subject to the “conditions” presented as today’s meeting, and as amended on Tuesday, December 2nd, 2025. Vote: All Ayes: 7, Abstain: 0, Absent: 0

Host Community Agreement – Resolution Change:

Mr. Patella stated the theory is if USLE puts down \$75,000 and a majority of the money is for new trees, where and how do you plant them? If we found a different environmental use of those funds, not specific to just tree planting, would that be beneficial? Could we expand the language on this, as opposed to just planting trees?

Majority of Funds:

Mr. Patella stated recreational is where it becomes uncomfortable and believes half of the majority should not be used for recreational. “Why would we spend the money in a way that would not be conservation purposes”?

Mr. Hoyt stated I like the “majority” used in the condition and not in the whereas. Mr. Goldberg questioned Mr. Hoyt if he would like the condition to match the whereas? Mr. Hoyt agreed as “majority” is a big issue regarding the percentage of planted trees. Mr. Goldberg stated the majority of the funds is to procure and plant trees and the remainder to be used for conservation and community enhancement.

The Board, Town Consultants, and Applicants came to an agreement to remove the word recreational and replace with community as shown below.

- i. Host Community Agreement:
 - a. USLE shall enter into a Host Community Agreement to the satisfaction of the Town Board and Town Attorney which shall call for the majority of the funds to procure and plant trees around the Town, and the remainder which shall be used to pursue *conservation and community enhancement efforts in furtherance of conservation*;

Ms. Franson and Mr. Goldberg worked on the language to remove recreational, as shown above, and the Planning Board was able to agree and readopt the change.

A motion was made by Ryan Reid and seconded by John Leonette to amend original motion, and readopt the Resolution due to language change in the Host Community Agreement section as shown on Page 18). Vote: All Ayes: 7, Abstain: 0, Absent: 0

Memorandum:

Mr. Hoyt advised Mr. Barnhart to make a motion regarding a memo to the Town Board stating the ZBA and Planning Board are in agreement with the Host Community Agreement fund spending.

A motion was made by Ryan Reid and second by Rich Barnhart to send out memo to Town Board on Host Community Agreement regarding the \$75,000 spending towards conservation (tree planting) and community enhancements. Vote: All Ayes: 7, Abstain: 0, Absent: 0

APPEARANCES:

Two lot Subdivision – Bud and Kimberly Devries (Applicant No.: 2025-11) SBL.; 105.2-1-9, zoning District: R-Ag4, Address: 540 Bruyn Turnpike, Acres 20.1, Shawangunk Valley Fire District, Wallkill Central School District

Project Review:

Mr. Ryan Smithem stated the project site is located at 540 Bruyn Turnpike and involves a two (2) lot residential subdivision. We requested a waiver from a cluster subdivision, given that it was only two lots. There were comments from the Planning Board Engineer and Planner which had been responded to mostly in regards to the Fire Department turnoff which is shown on the plan but was not clear and now has been revised. We are now looking to set up a Public Hearing for the project, if the Board finds it appropriate.

A motion made by Todd Widmark and seconded by John Szarowski for a Public Hearing regarding the Bud and Kimberly Devries Two (2) Lot Subdivision at the next Planning Board Meeting on Tuesday, January 6, 2026 at 7:00 PM or soon thereafter. Vote: All Ayes: 7, Abstain: 0, Absent:0

Waive Cluster Subdivision:

Ms. Franson questioned Mr. Smithem if he requested to have the Planning Board waive the requirement to submit a cluster subdivision at the previous Planning Board Meeting? Mr. Smithem stated he did ask at the last meeting as well, but it was not done. Ms. Franson stated it would be good to address at this time.

A motion made by John Szarowski and seconded by Todd Widmark to waive the requirement to submit a cluster subdivision at 540 Bruyn Turnpike Two (2) Lot Subdivision. Vote: All Ayes: 7, Abstain: 0, Absent:0

Mr. Hoyt stated to Mr. Smithem your driveway agreement is with the neighbor to the south, not with the lot in front of the one you are trying to create. You need a driveway agreement. It is not a declaration; one owner declares for both his properties. You have two different LLCs. They may be owned by the same principal, but it would be a driveway agreement, not a declaration. How you want to portion the 100% of the maintenance costs, is up to you and the owners. Mr. Smithem stated he understood and it will be discussed and let the Planning Board know.

Mako Homes 12- Lot – Reality Subdivision (Applicant No.: A25-0013): SBL: 99.1-2-2, Zoning District: R-Ag-2 & RS-1, Address: 676 Awosting Road, Wallkill NY 12589, Acres: 65.86 Shawangunk Valley Fire District, Pine Bush School District

Project Review:

Mr. Ryan Smithem state the project site is located at the intersection of Church Road, Awosting Road, and Mountain Road. There is a change in the road at the intersection of Awosting Road, and it is located on the northerly side of Church and Mountain Road. We have prepared a conventional subdivision plan, which has three (3) lots on the westerly side of the project site. The remainder of the proposed twelve (12) lots is on the easterly side. Each dwelling is intended to be served by individual wells, sewer disposal systems, and on-site wetlands. There was preliminary jurisdictional determination that some of the wetlands were going to be regulated by the New York State DEC and their review is ongoing. We have

prepared a cluster subdivision plan in accordance with the Zoning Code. This is a preliminary plan and we definitely wanted to get the board's opinion on how they would like to see this, if they want to go with the cluster, as opposed to the conventional plan. In this particular plan, the majority of construction is concentrated to the easterly side, with one additional lot being the existing dwelling, which is located at the intersection of Church, Mountain, and Awosting Roads. This project will be reviewed by the Ulster County Department of Health.

Discussion on Lots Seven (7) and Eight (8):

Mr. Reid stated he likes the cluster better because you are not subdividing any of the lots or making any new lots for the parcel that is in RS-1, which I think is pretty important with restrictions, parts of prohibited zones, and land preservation piece of the property is most beneficial than the conventional area where you are cutting it up into three pieces. The only thing on the cluster is Lots seven (7) and eight (8) in that parcel area seem to be close together. This does not mean I do not support the cluster but would be my concern. The two common driveways being back-to-back looks combined together. I am okay with that offset compared to the three (3) conventional lots in the RS-1.

Mr. Smithem stated I think one thing to note is the scale of the drawing, it is very zoomed out here and those lots look very small. They are over an acre or an acre and a half and at scale, they might seem a little bit larger than they are. The intention is to cluster them so that we can conserve and protect the more critical areas of the site environmentally.

Mr. Barnhart also stated he prefers the cluster and is better. Mr. Smithem stated in discussing it over with Mr. Brissette, he had indicated that the intention is to cluster them to maybe revise slightly. It was something that we wanted to bring before you first to look at. Maybe staying out of the RS-1, and something smaller, but keeping something on Church Road and come back in the future to go over with the Board.

Perc Test and Soil:

Mr. Szarowski questioned the Perc Testing and can it be supported with the small lots? Mr. Smithem stated yes and there are pockets of very good soil as well. Mr. Szarowski questioned if Ulster County is aware of the square footage areas. Mr. Smithem stated we will be looking into that as well as this is our preliminary plan.

Verification of Lots and Review of Lot Six (6):

Mr. Hoyt stated Ms. Franson's memo refers to make sure in the conventional plan to make sure each lot works, because you cannot evaluate the cluster until you get lot yield from the conventional plan. The plan shows 12 lots and it is up to the Board to verify that they have 12 lots. Then you can decide how you want to cluster those 12 lots. Ms. Franson raised a comment about Lot Six (6) on the conventional plan; are those boxes wetlands or buffer? Mr. Smithem state yes. The hashed area is the presumed buffer area. The scale of this is very zoomed out and makes it look very tight. We are showing things fairly large so that they are readable at this scale. The soil on that lot in particular was very sandy. The grading on that lot is going to be very minimal and I think that buildability will be fine. As the project progresses, we will have to prove that out.

Mr. Hoyt stated you show the wetland as .99 acres on Lot Six (6) in your table, resulting in a net of 8.5. You showed 10.5 gross. You are going to be looking at each one of them? Mr. Smithem stated there is a floodplain located at the rear Lot Six (6) that is fairly large along the Beaver Brook, which runs along the northerly bound of the property. There is a floodplain associated with that, but it is well outside of that area and does chew into that net lot area as well. Mr. Hoyt stated we will look at it.

Wetlands and DEC:

Mr. Smithem stated the wetlands have been delineated, and we are progressing with the DEC as to what wetlands, if any, are regulated. This has been a learning process for us as well as the

DEC. Mr. Szarowski stated the DEC updated their environmental map information resulting in taking properties.

Land Disturbance – Stormwater Basins:

Ms. Franson stated one of the things customarily shown on the conventional plan is you show general limits of disturbance, because even on the conventional, we have to figure out if you are over five acres, and if you need basins. They are subtracted out for the conventional. Mr. Smithem questioned if there are common post-construction stormwater basins, generally they are on their own lot. Ms. Franson stated it may not matter, but something to consider. Mr. Smithem stated we can look at that and throw potential limits of disturbance on there as well.

Mr. Smithem stated I will note that on a lot like this, because not everything is tributary to the same area; when you draw up post-construction stormwater facilities, you are not going to be able to get stormwater from Lot Four (4) to the rear of Lot Eight (8). A lot of times we have minimal treatment facilities, and then we will work out the routing. It might not subtract from that area. I think there are individual facilities for each lot.

Ms. Franson stated there is not an expectation to engineer them. It is simply for conventional plan; would you have required them and then subtract out area for that, if you would have had to provide it.

Ms. Franson stated in the past, the EMC also goes out to look at the wetlands. You have a couple of lots that are really tight to the net, exactly 7.0, for instance, in the RS-1. The EMC will go out to look at the wetlands to make sure they are not underestimated. You may have some wetlands along the streams, but then again, that is in the floodplain, and probably does not matter in terms of your net lot area. You have little pods of wetlands. Mr. Smithem stated those are small and due to previous excavations on the property where they had flagged them because they had water in them at the time. They are not vernal pools.

Ms. Franson stated the engineer, I think, had comments. I do not know how deeply they looked into it as it was a preliminary review. I am sure they will look at it also in terms of buildability, and again, to look at the conservation to figure out what the maximum yield is, and maximum number of lots. Then they can move forward with your cluster subdivision and design it to protect those things that the board thinks are meaningful to be protected.

DISCUSSION:

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

Project Discussion:

Mr. Barnhart stated the Board will have a discussion at this time on the circumstances regarding the scope we are going to provide to Eagles Roost. There is no provision this evening from the public to comment on this. This is an opportunity for the Board to simply synthesize everything that has been put together. We are under pressure to provide that scoping document to the applicant to move forward. I ask Ms. Franson to lead discussion on this and I hope everyone on the Board had the opportunity to review the document Ms. Franson provided to us and make sure that we have everything in place that we need so that we can provide this document before the deadline and the applicant can address the concerns the Board may have.

Ms. Franson stated everyone received various iterations with the final one being received around 3:00 PM today, December 2nd, 2025. There were two versions. A red line and a non-red line of the proposed scoping document. The scoping revisions were made based on public