

Town of Shawangunk
Zoning Board of Appeals
November 19, 2025



Minutes of a Public Hearing held by the Town of Shawangunk Zoning Board of Appeals on November 20, 2025, at 7:00 PM at the Town Hall, 14 Central Avenue, Wallkill, New York, County of Ulster for the following:

Present Were: Mr. Dennis Arluck, Chairman, Mrs. Susan Wiand, Mr. Robert Wallner, Mr. Christopher Budney and Ms. Sandy Damon as Members, Mr. Richard Hoyt, Town Attorney, Kathy Ebbrell and Janice Stryker (observing), Zoning Board Secretary, and members of the public.

The meeting was called to order at 7:00 PM. Mr. Arluck led the Zoning Board in the pledge to the flag.

Mrs. Ebbrell read the meeting's agenda.

Approval of Minutes: A motion was made by Mr. Arluck and seconded by Mr. Wallner to approve the minutes of October 15, 2025. Vote: Mr. Budney – Aye, Mrs. Wiand - Aye, Ms. Damon – Aye, Mr. Wallner – Aye, and Mr. Arluck – Aye.

FINAL DETERMINATION:

Christopher Sparaco/NY USLE Bruynswick Road I LLC – TM #99.2-6-10 (RAG-4) 2319 Bruynswick Road, Wallkill, NY 12589 - §177-23.1.E(3)b) – Solar Energy System – Variance of 5-Acres over the 10-Acre Total Tree Clearing Limitation:

Ari Goldberg, from the law firm, Barclay Damon and Mike Fingar from USLE had previously presented a revised site plan showing a 15-acre total tree clearing. The new plan has been previously presented to both the Zoning and Planning Boards. The Planning Board granted a Negative Declaration (attached to these minutes) pursuant to SEQRA which has allowed the Zoning Board to act on the requested 5-acre variance over the 10-acre total tree clearing limitation.

A Draft Resolution was read and extensively reviewed. The resolution includes the history of the project, the Core Habitat Area and the Host Community Agreement. The Host Community Agreement includes offering \$5,000 for every acre cleared (15 in total). The Resolution is attached.

Mr. Fingar expressed his thanks to everyone involved and said they appreciated the conversations and the willingness to hear them out.

A motion was made by Mr. Arluck and seconded by Mrs. Wiand to approve the 5-acre variance over the 10-acre total tree clearing limitation granting this relief based on the six points in the findings, discussed in the resolution (and attached to these minutes). Vote: Mr. Budney – Abstain, Mrs. Wiand - Aye, Ms. Damon – Aye, Mr. Wallner – Aye, and Mr. Arluck – Aye.

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A motion was made by Mrs. Wiand and seconded by Ms. Damon to suggest to the Town and Planning Boards to organize a tree siting committee and perhaps 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 Community Host Agreement for USLE. Vote: Mr. Budney – Abstain, Mrs. Wiand – Aye, Ms. Damon – Aye, Mr. Wallner – Aye and Mr. Arluck – Aye.

A motion was made by Mr. Wallner and seconded by Mr. Arluck to adjourn this meeting. Vote: Mr. Budney – Aye, Mrs. Wiand - Aye, Ms. Damon – Aye, Mr. Wallner – Aye, and Mr. Arluck – Aye.

Meeting Adjourned at 7:38 PM

Respectfully submitted,

Kathy Ebbrell

Zoning Board of Appeals Secretary

**TOWN OF SHAWANGUNK PLANNING BOARD
SEQRA RESOLUTION AND
NEGATIVE DECLARATION**

Wallkill Community Solar Project
2319 Bruynswick Road
Applicant: NY USLE Bruynswick Road I LLC
Owner: Christopher Sparaco

WHEREAS, the Planning Board of the Town of Shawangunk received a special use permit and site plan application from NY USLE Solar LLC Bruynswick Road I LLC dated April 10, 2023, for the construction of a proposed 4.67 megawatt (MW) DC, 3.75 MW alternating current (AC) large scale, single axis tracker solar facility to be located on a portion of leased lands identified on the Town of Shawangunk Tax Maps as Section/Block/Lot 99.2-6-10 which lot maintains frontage on Bruynswick Road. The Applicant has since amended its application and the proposed capacity of the project is 3.58 MW DC, 2.5 MW AC. The overall project site (the parcel) is 33.832 gross acres and is located in the RAG-4 zoning district. A single-family dwelling and automotive garage were located on the property at the time the application was made. Since that time, the Property Owner represents there will be no commercial automotive use conducted on the premises. The gross lot area dedicated to the solar facility was identified as 18.8 acres, and with approximately 15.0 acres of tree clearing. The solar array would be situated on an approximately 15.7acre lease area and would interconnect to the Central Hudson Gas and Electric (CHG&E) electrical distribution system. The point of interconnection to the CHG&E distribution system would be at the Property's frontage with Bruynswick Road, consisting of a ground-mounted equipment pad and three utility poles. The solar facility itself is being situated primarily on lands that are wooded, with the exception of the access drive which is over fallow fields and follows a cleared trail. The overall property adjoins but is not situated within a NYS-certified agricultural district. Potential NYS Department of Environmental Conservation (DEC) and U.S. Army Corps of Engineer regulated wetlands are present within the solar facility area. Some wooded areas on the project site also contain County Habitat Core areas, Rank 5; and

WHEREAS, within the RAG-4 zoning district, a large-scale solar facility is allowed by special use permit and site plan upon approval by the Shawangunk Planning Board as set forth in Town Zoning Ordinance and Code ("Zoning Code") § 177-23.1; and

WHEREAS, the Planning Board determined that the action is a Type I action as per NYCRR Part 617.4(b)(6)(i) of the regulations implementing the New York State Environmental Quality Review Act ("SEQRA"), and declared its Intent to act as Lead Agency for this application on September 5, 2023. The Notice of Intent was circulated with the site plan and Full EAF Part 1. There being no opposition to the Planning Board's request, the Planning Board assumed Lead Agency status; and

WHEREAS, the Applicant submitted an application for area variances to the Shawangunk Zoning Board of Appeals on April 11, 2023, which was later withdrawn by the Applicant, and Applicant also submitted an application for an area variance under Zoning Code § 177-23.1.E(3)(e), and the Zoning Board of Appeals held a public hearing on July 16, 2025, which remained open until the Zoning Board of Appeals closed the public hearing on September 17, 2025, and the Zoning Board of Appeals has not issued its decision on the variance as of the date of this resolution; and

WHEREAS, a site plan set was submitted, and entitled Wallkill Community Solar Project, prepared by C.T. Male Associates, and last revised October 16, 2025, consisting of 12 sheets. This site plan depicted a 3.58 MW DC/2.5 MW AC large scale solar facility with a 1,257 linear gravel access road, stormwater management facilities, and 8-foot agricultural fence surrounding the 10.0-acre array envelope and proposed vegetative screening. The proposed area of disturbance is 15.74 acres as per the site plan, 15.00 acres of which is tree clearing; and

WHEREAS, the Shawangunk Environmental Management Council visited the site on May 3, 2024, and

comments for the Planning Board's consideration in a memo dated May 17, 2024, and the Applicant responded to those comments on August 14, 2025; and

WHEREAS, Town Engineer MHE provided comments on the Project including the Project SWPPP, the most recent by letter dated October 7, 2025, which Applicant responded to in its application submission made October 16, 2025; and

WHEREAS, Town Planner Nelson Pope Voorhis provided comments on the Project, the most recent by letter dated May 2, 2024, which Applicant responded to in its CT Male letter dated August 29, 2024, and by electronic mail dated October 6, 2025, which Applicant responded to in its application submission made October 16, 2025; and

WHEREAS, on August 8, 2024, the Building Inspector rendered a determination that the intent of the solar array section of the zoning law was to limit clear-cutting of all substantial trees to not more than ten (10) acres, which was consistent with the Field Report issued by same dated July 13, 2023. The Building Inspector indicated that an automotive repair facility was also located on the property without necessary approvals. The Applicant was informed the determinations could be appealed to the Zoning Board of Appeals; and

WHEREAS, the Applicant has been in front of the Zoning Board of Appeals to discuss the interpretation of mature trees and identify necessary variances; and

WHEREAS, on August 6, 2025, the Ulster County Planning Board made a Recommendation to Disapprove relevant variances, stating: "The applicant is requesting nearly a one-hundred percent variance of what is allowed under the existing regulations. It is also noted that the site contains an Ulster County Habitat Cores area on the property. From the Ulster County NRI "The cores represent land cover where biodiversity and ecosystem services have the greatest potential to remain intact and are of the highest value. Each habitat core was ranked from 1 to 5 (1 being Outstanding, 5 being General) based on size, biological and habitat diversity, and water quality and quantity. These rankings are intended to support decisions on prioritization for conservation and protection." Given the substantiality of the variance requested and the clarity of the zoning statute, the UCPB recommends this request be disapproved."; and

WHEREAS, subsequent to this determination, the Applicant submitted a site plan, last revised September 23, 2025, to reduce the amount of disturbance. The large-scale solar facility is being reduced from 4.67 MW DC/3.75 MW AC to 3.58 MW DC/2.5 MW AC. The Applicant has indicated that 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. Applicant has also modified the Solar Array Decommissioning Plan to include funding for future reforestation of the Property. 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 recreational pursuits in the Town; and

WHEREAS, the documents submitted by the Applicant that constitute its Application, as revised, consists of:

1. The required Site Plan Review and Special Use Permit application forms and various project narratives and comment response letters.
2. A Full Environmental Assessment Form ("FEAF") pursuant to the New York State Environmental Quality Review Act (hereinafter "SEQRA"), with such FEAF being revised in concert with certain Project design revisions,
3. Stamped Civil Site Plans, consisting of the following individual site plan sheets, as revised:
 - (1) G-001 Cover Sheet
 - (2) C-101 Existing Conditions
 - (3) C-102 Overall Site Plan

- (4) C-103 Solar Array Plan
 - (5) C-104 Slopes Plan
 - (6) C-105 Overall Clearing and Landscaping Plan
 - (7) C-106 Detention Basin 1
 - (8) C-107 Detention Basin 2
 - (9) C-501 Site Details
 - (10)C-502 Site Details
 - (11)C-503 Erosion and Sediment Control Details
 - (12)C-504 Stormwater Management Details
4. Single Line Diagram
 5. Solar Equipment Specification Sheets
 6. Decommissioning Plan and Cost Estimate
 7. Forest Cover Survey
 8. Viewshed Analysis
 9. Operations and Maintenance Plan
 10. County Agricultural Data Statement
 11. Agricultural Soils Information
 12. Stormwater Pollution Prevention Plan
 13. Arborist Report
 14. Wildlife & Habitat Review
 15. Noise Report
 16. Central Hudson CESIR Letter
 17. Property Deed
 18. Recorded Memorandum of Lease
 19. NY State Historic Preservation Office (SHPO) No Effect Finding Determination
 20. NYS Department of Environmental Conservation (DEC) Species Coordination
 21. NYSDEC Preliminary Wetland Jurisdictional Determination

WHEREAS, a public hearing on the special use permit and site plan was opened on November 5, 2025, to allow comments from interested members of the public on issues of concern, and comments received at the hearing were duly considered by the Planning Board; and

WHEREAS, the Planning Board has analyzed the potential areas of environmental concern associated with the proposed action in accordance with procedures set forth at 6 NYCRR Part 617 and the criteria set forth at 6 NYCRR Part 617.7 implementing SEQRA; and

WHEREAS, the Planning Board has completed and reviewed Parts 2 and 3 of the EAF;

WHEREAS, based upon the information contained in the EAF and Solar Array Application materials, and after due deliberation thereon, the Planning Board consequently finds that the action will not have a significant effect on the environment for the following reasons:

1. **Impact on Land.** The 2.5-MW AC large scale, single axis solar facility is located on an area of which is wooded, except for the gravel access road which extends through fallow fields and follows a cleared trail. As per the SWPPP last revised October 16, 2025, approximately 15.7 acres of the site will be disturbed.

Site regrading will include the installation of two (2) stormwater detention basins, restoration of disturbed areas created during the installation of the solar energy system components, and the pervious gravel access road. Per the New York State department of agriculture and markets, all displaced topsoil obtained during construction shall be stockpiled in the designated stockpile area. Stockpiled topsoil shall be used in the restoration of disturbed areas and any remaining topsoil shall be evenly spread within the project disturbance limits. The disbursement of the topsoil shall be completed at the contractor's discretion and shall not significantly alter the slope of hydrology of the area.

The erosion and sediment controls being implemented for this project generally consist of compost filter sock/silt fence, stabilized construction access, concrete washout and a temporary staging/laydown area. No blasting is proposed or approved as part of this project.

The erosion control measures will be inspected and maintained in accordance with Article XV of the Town of Shawangunk Zoning Law. Issuance of a SPDES General Permit for Construction Activities will be obtained and the Notice of Intent will be filed with the NYSDEC after receiving Town sign off through their duties as a MS4 Designated Community. With these measures, as well as other measures set forth in the SWPPP and described below, the project will not result in any significant adverse impact. The facility shall never produce more than 2.5 MW AC and shall never exceed the approved square footage of both the array envelope and the ground disturbance without receiving amended approvals from the Planning Board and, further, this Negative Declaration analyzed only the impacts based upon the plans presented and approved as referenced herein.

- 2. Impact on Waters/Wetlands.** As per NYSDEC correspondence, a tributary of the Shawangunk Kill (DEC Water Index ID NO. H-139-13-19-6) is situated on the project site. It has a "C" water quality classification and is not regulated under the NYSDEC Protection of Waters permitting program. A Wetland Delineation Report (prepared by CT Male Associates, last revised March 12, 2024), indicates there is an "intermittent" stream on the site, two ephemeral streams, and two wetlands. Wetland A is 0.35 acres and is identified as a palustrine wetland – it has been characterized as a vernal pool and characterized as being isolated. Wetland B is approximately 0.03 acres and is also likely a vernal pool which was also characterized as an isolated wetland. Note that the NYSDEC has classified the stream as a perennial stream.

As of January 1, 2025, the NYSDEC wetland regulations were amended. The on-site Madalin soils are identified as "probably and possible wetlands" as these are hydric soils, and Wetland A is shown as an informational wetland. At this time, the Applicant is illustrating a voluntary 50-foot wetland buffer around Wetland A. The smaller wetland will not be directly disturbed and will continue to function as a wetland because the hydrology and soils will not be altered, and wetland vegetation will continue to propagate within this small area. A wetland biologist from NYSDEC Region 3 reviewed the wetland delineation and stated that the wetlands at 2319 Bruynswick Road are not likely regulated by the NYSDEC. Applicant also submitted a parcel jurisdictional determination to NYSDEC Central Office for an official negative jurisdictional determination, which the Applicant did on July 22, 2025, and is pending. The project shall comply with all NYSDEC wetland requirements that may pertain to the site, though none are expected.

Drainage and erosion control measures are subject to and must be consistent with the New York State guidelines for sediment control and SPDES general permit for stormwater construction activities (GP-0-25-001). The Project's current layout mostly avoids direct impact to delineated wetlands. Compost filter socks and an undisturbed vegetative buffer will protect the larger wetland. The smaller wetland will be clearly marked prior to tree clearing on the site to eliminate incidental disturbance and fenced off during array construction to eliminate incidental encroachment. Any tree removal that needs to occur in the smaller wetland will be done by hand without the removal of stumps, with excess vegetation removed from the wetland. No disturbance will occur in site wetlands or streams and therefore no involvement with the U.S. Army Corps of Engineers (ACOE) is required.

The access road will cross an existing perennial stream. The Applicant proposes to construct a 16-foot wide timber bridge to cross the stream and the application indicates no disturbances are proposed to the stream.

- 3. Impact on Drainage.** A Stormwater Pollution Prevention Plan ("SWPPP") has been prepared, last revised September 23, 2025. Due to the size of the project, coverage under the State Pollutant Discharge Elimination System Permit (SPDES GP 0-25-001) administered by New York State Department of Environmental Conservation (NYSDEC) is required. As per the SWPPP, the construction of the solar panels do not include significant changes to the existing topography that alters the predevelopment hydrology. The solar panels will be elevated off the ground, spaced apart so that rainwater can flow off down gradient of the panel and reach the ground, and the ground surface below the panels will be a well-established vegetative cover.

Site regrading will include the installation of two (2) stormwater detention basins, restoration of disturbed areas created during the installation of the solar energy system components, and the pervious gravel access road.

Stumps and debris will be removed from the site either as logs or as wood chips. There will be no stump dump burial on the site. The landowner may opt to keep some cord wood on the site. Some wood chips could be used as mulch in upland areas to stabilize disturbed soils.

There will not be significant impact on drainage. The project is designed so that there will be no increase in runoff rates. Runoff will be attenuated using two dry detention basins that will capture run off from the array area, as well as a limited amount of gravel diaphragm level spreaders. The project follows guidelines and best practices for solar farm stormwater management published by the NYSDEC. Except for the concrete equipment pads, no traditional impervious surfaces will be added to the site. All SWPPP comments have been addressed to date. It is anticipated that the Town Designated Engineer will provide final approval of Applicant's SWPPP prior to final approval by the Planning Board, and Applicant has committed to implementing final comments to of the engineer into the SWPPP and site plan. Final MS4 Acceptance, remaining coordination with the Town Designated Engineer, and Filing of the SPDES General Permit for Construction Activities is an administrative requirement prior to issuance of a building permit.

The project shall specifically comply with Article XV, Stormwater Management and Erosion & Sediment Control, and specifically Sections 177-81, Maintenance, inspection and repair of stormwater facilities, and Section 177-82.A., Construction inspections, of the Shawangunk Zoning Law. As required by the Town's Stormwater Management Officer, an escrow will be established with the Town's Building Department to reimburse the Town for review of the of the SWPPP and any required inspections. The Applicant/Operator shall enter into a maintenance agreement to ensure the continuing operation and maintenance of the stormwater facilities.

The project site is not located within the 100-year floodplain, thus no impacts will result.

Based on the foregoing, the project is not anticipated to have a significant adverse impact on drainage.

4. **Impact on a Critical Environmental Area (CEA).** The Project is not located within or adjacent to a Critical Environmental Area. Significant adverse impacts are not anticipated.
5. **Impacts Associated with Wastewater Discharge/Water Supply Utilities.** The proposed project is an unmanned large-scale solar facility, which will be maintained routinely. It does not require the installation of any wastewater disposal system, and thus there will be no impact associated with such a system. The project will not require any potable water supply.
6. **Impact on Plants and Animals.** NYSDEC, in a letter dated December 28, 2022, indicated the potential presence of the Bald Eagle nesting within one mile of the project site. As per documentation from the U.S. Fish and Wildlife Service, the Indiana Bat (Endangered), the Northern Long-eared Bat (Endangered), the Bog Turtle (Threatened), and the Monarch Butterfly (Candidate) are potentially present in the project vicinity. Further, as per a site walk conducted with the Shawangunk EMC in May 2024, an Eastern Box Turtle (Species of Special Concern) was observed on the site.

C.T. Male Associates conducted a wildlife and habitat review (March 11, 2024). The report summarized a desktop survey and one-day field survey conducted on November 2, 2023. The results of the survey and species observed are set forth in the report. Consultation with the NYSDEC indicated it does not anticipate the Project, as proposed, would have an adverse impact on nearby nesting Bald Eagles – nests were not observed on site. Based on field review, there is not suitable habitat for bog turtles as there are no wet meadows or open calcareous boggy areas present. The report indicated it is anticipated that the Project Site contains suitable summer habitat for regulated bat species. The Applicant has committed to tree clearing

between November 1 and March 31 to avoid impacts to these species. The Project is not anticipated to impact the Monarch Butterfly as there are no large open areas being disturbed with common milkweed. The project will not significantly impact the Eastern Box Turtle or other reptilian or amphibious species that may be present on or near the site. These turtles can continue to use the undisturbed site edges (which includes the vernal pool and stream) and large areas of forest surrounding the site as habitat even with the addition of the passive solar farm. The turtles may also use the meadow created beneath the solar farm as habitat, in areas near the treeline, in Wetland B, or around the stream. A limit of clearing of 15 acres for a passive solar project that will maintain natural features and ground cover, within a predominantly forested area does not create a significant impact to wildlife.

It is noted that fencing without barbed wire will be installed for security purposes. The bottom of the fence shall have a 6-inch gap around the perimeter in order to allow smaller wildlife species to enter and exit the site. Birds would not be affected by the presence of the fence enclosing the facility.

After disturbance, the proposed project site will be seeded with plant pollinator species which will be beneficial to a number of species, including bees.

No use of herbicides is proposed for the project. Vegetation within the project fenceline, within 25 feet of the fenceline and around the screening landscaping will be maintained by mowing or mechanical removal 2 to 3 times each growing season.

7. **Impact on Agricultural Use.** The project site is not located within a state-certified agricultural district (Ulster County Agricultural District No. 2). The Project site is located adjacent to lands that are in active cultivation and within the state agricultural district. The Project site will disturb 15.0 acres of woodland except for the fallow fields and cleared trails the pervious gravel access road will disturb (0.7 acres). Given the present use of the site, it is not anticipated that the Project will result in significant adverse impacts to adjoining agricultural uses.
8. **Impact on Aesthetic Resources.** The Project will be in sharp contrast to existing conditions. However, the Project is screened by the existing wooded vegetation and setback from Bruynswick Road, a County road. All new utility lines shall be located underground except for the interconnect which is situated along Bruynswick Road. Project lighting is not proposed. The project-owned interconnection equipment (as opposed to the utility-owned) will be placed at the ground level within a box on a concrete pad.

In March 2024, C.T. Male submitted a visibility analysis which included line of sight profiles to the nearest dwellings, renderings from several properties adjoining the site, and renderings of proposed plantings from several adjoining residential properties. The general public will not normally see the solar facility during routine travel. Vegetative screening will be installed to the north of the stormwater detention facilities to buffer the improvements to the nearest residential structure. Coniferous plantings will provide year-round screening. These screenings and buffers are shown on Sheet C – 105. The tree species to be installed include Norway Spruce, White Spruce, and Arrowwood Viburnum.

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.

Landscaping will be installed at the earliest seasonal opportunity during construction in the fall or spring season. The Applicant may return to the Planning Board and adjust said planting schedule only upon approval of the Planning Board. The screening shall be maintained for the life of the use. Any dead or diseased screening shall be replaced in kind.

- 9. Impact on Historic Resources.** The project site is not located directly adjacent to a property on the National or State Registers of Historic Places nor is it situated within an archaeologically sensitive area. The Applicant is required to consult with the New York State Department of Parks, Recreation and Historic Preservation ("OPRHP") as part of the preparation of the SWPPP. As per a letter from the NYS Office of Parks, Recreation and Historic Preservation dated May 2, 2023, the agency determined that no historic properties, including archaeological and/or historic resources, will be affected by the proposed action. No significant impacts to historic or archaeological resources are anticipated.
- 10. Impact on Transportation.** Access to the lease area on the project site will be from a driveway on Bruynswick Road which will be improved to provide adequate sight distance in accordance with a highway work permit to be obtained by the project from Ulster County Department of Highways and Bridges, as required by the County. The site plans have been submitted to Ulster County Highways Department of Highways and Bridges for pre-construction review. Except for construction vehicles and traffic during installation of the large-scale solar facility, the project will not generate traffic on a regular daily basis. The facility will be inspected and maintained on an as-needed basis. No significant adverse impact from traffic is anticipated.
- 11. Impact on Community Facilities.** The proposed action is not anticipated to have a significant adverse impact on community facilities such as police protection, ambulance service, or school services, as it will not introduce a new population or school children. The potential exists to impact the local fire district, as the district would be called upon to respond to any fire or similar emergency call. The Applicant consulted with Shawangunk Valley Fire District and transmitted a site plan to the agency in order that it may review the details of the plan, and any effect it may have on firefighting capabilities. The plan provides a 20-foot wide access road with a 120-foot hammerhead at the transformer pad and detention basins. A minimum 16-foot wide clear path is provided inside the array between the fencing and the panel edges for circulation. In addition, a clear path is provided outside the fence line as well as three additional vehicle gates with commonly keyed Knox boxes for access. Applicant provides four gated access points – perimeter access is adequate and the district has all-terrain vehicles which can be utilized. A supply for on-site water is not necessary to respond to an emergency event. The operator of the facility shall provide emergency phone numbers to the fire district in order to communicate with same during an emergency event. The fire district will wait for the operator to arrive at the site to shut down the system. The access road to provide access into the site needs to be 20 feet to accommodate emergency vehicles which will be provided. In addition, the project provides a vehicle pull off from the 20-foot wide access road on the north side of the stream to allow two-way traffic to safely pass over the 16-foot wide timber bridge one at a time in the event that two vehicles are trying to cross the bridge head on at the same time. This will also provide another parking space or vehicle staging area in the event of an emergency response without taking up a lane of the access road. Shawangunk Valley Fire District Commissioner Jim Miller testified at the November 5, 2025, Planning Board public hearing. He stated that the site plan had been reviewed and the district has no further comments on the plan, but requested that the Applicant be required to provide fire district training on how to address an emergency/fire event at the facility. The Planning Board finds that with the requirement to provide fire training and with the design measures described herein, there will be no significant adverse impact on community facilities. The requirement for fire training will also be incorporated into the special use permit.
- 12. Impacts on Ambient Noise Levels.** U.S. Light Energy submitted a Noise Report (unknown preparer, undated). Noise will be generated from the 15 inverters and two transformers. Overall noise levels are predicted to be 84.75 dB at 3 feet. Inverters and transformers will be installed 189 feet from the nearest property line and 375 feet to the nearest residential structure. Accounting for distance, the sound level would be less than 50 dB at the nearest residential structure and the nearest lot line. Based on the foregoing, the Applicant represents that the project is not anticipated to have a significant adverse impact on ambient noise levels.

- 13. Impact on Human Health.** As per the Environmental Assessment Form, there is no indication that the project site has been the subject of any activities involving deposition of pollutants. The Applicant has not submitted an Environmental Site Assessment of the project site to indicate whether the parcel was evaluated regarding past activities. Regardless, based on a review of aerial photos and the Applicant's representations, the Project Site has been previously farmed. No significant adverse impact to human health is anticipated.
- 14. Impact on Air Resources.** The project will not generate any long-term emissions and will not impact air quality. In the short-term, construction will generate dust and dust control measures have been incorporated into the soil erosion control practices. Provided those measures are followed, no short-term impacts from fugitive dust will occur.

NOW, THEREFORE BE IT RESOLVED, that The Planning Board determines that the action as proposed will not have a significant adverse impact upon the environment as proposed and an environmental impact statement will not be prepared. The facility shall never produce more than 2.5 MW AC and shall never exceed the approved square footage of both the solar array envelope and the ground disturbance without receiving amended approvals from the Planning Board and, further, this Negative Declaration analyzed only the impacts based upon the plans presented and approved as referenced herein.

NOW, THEREFORE BE IT FURTHER RESOLVED, the final site plan shall be consistent with this Negative Declaration as adopted by the Planning Board. Any significant revisions to the site plan may necessitate additional SEQRA review based on determinations made by the Planning Board.

Resolution offered by Member Reid, seconded by Member Leonette, adopted on a vote of 7 ayes, 0 nays, 0 abstentions, no members being absent.

Planning Board Member	Roll Call Vote			
	Aye	Nay	Abstain	Absent
Richard Barnhart, Chair	X			
Ryan Reid, Deputy Chair	X			
John Leonette	X			
Sal Patella	X			
John Szarowski	X			
Tom Tango	X			
Todd Widmark	X			

The Planning Board hereby directs the Planning Board Secretary to circulate this Negative Declaration to all involved agencies and publish same in the NYSDEC Environmental Notice Bulletin.

Dated: November 5, 2025

This Notice is being sent to the following involved/interested agencies:

Town of Shawangunk Planning Board
 Mr. Richard Barnhart, Chair
 Town Hall, PO Box 247
 Walkkill, New York 12589

Town of Shawangunk Town Board
 Mr. Ken Ronk Jr., Supervisor
 Town Hall, PO Box 247
 Walkkill, New York 12589

New York State Department of Environmental Conservation
Region 3 Permit Administrator
21 South Putt Corners Road
New Paltz, New York 12561

New York State Department of Transportation
SEQRA Unit
Traffic Engineering & Safety Division
4 Burnett Boulevard
Poughkeepsie, New York 12603

Ulster County Dept. of Public Works
317 Shamrock Lane
Kingston, New York 12401

Town of Shawangunk Building Inspector
Mr. John Calaca
Town Hall, PO Box 247
Walkkill, New York 12589

Town of Shawangunk Zoning Board of Appeals
Mr. Dennis Arluck, Chair
Town Hall, PO Box 247
Walkkill, New York 12589

Town of Shawangunk Environmental Management Council
Mr. David Haldeman, Chair
Town Hall, PO Box 247
Walkkill, New York 12589

Ulster County Industrial Development Agency
Mr. James Malcolm, Chair
c/o Rose Woodworth, CEO
PO Box 4265
Kingston, New York 12402

Shawangunk Valley Fire District
Larry Smith, Commissioner
2150 Bruynswick Road
Walkkill, New York 12589

Town of Shawangunk Police Department
Gerald Marlatt, Chief of Police
Town Hall, PO Box 247
Walkill, New York 12589

Ulster County Planning Department
Dennis Doyle, AICP, Director
244 Fair Street, PO Box 1800
Kingston, New York 12402

NYS Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189
Waterford, New York 12188

Historic Society of Shawangunk / Gardiner
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Town of Shawangunk Zoning Board of Appeals
Resolution Granting Area Variance

Wallkill Community Solar Project
2319 Bruynswick Road
Applicant: NY USLE Bruynswick Road I LLC
Owner: Christopher Sparaco

WHEREAS, NY USLE Bruynswick Rd I LLC and Solitude Solar, LLC d/b/a U.S. Light Energy ("USLE") applied for an area variance from the Town of Shawangunk Zoning Board of Appeals ("ZBA") in connection with their proposed 2.5 MW AC large scale ground mounted community solar project ("Project") to be located on the 33.8-acre property at 2319 Bruynswick Road, SBL 99.2-6-10 ("Property"); and

WHEREAS, the Town of Shawangunk Local Law 1-2018 entitled "Solar Energy Systems" ("Solar Law") amended the Town Zoning Law and Code ("Zoning Code") adding Zoning Code § 177-23.1 et seq. Under the Zoning Code, the Project is permitted at the Property subject to Site Plan and Special Use Permit, both issued by the Shawangunk Planning Board; and

WHEREAS, USLE first submitted its omnibus application to the Shawangunk Planning Board in April 2023, at which time the Project, as proposed, was 5.07 MW DC/3.75 MW AC; and

WHEREAS, USLE has made multiple appearances before the ZBA, as well as the Town Planning Board ("Planning Board"), which resulted in revisions to the Project's design and general compliance with the Zoning Code § 177-23.1 et seq.; and

WHEREAS, the Planning Board determined that the action was a Type I action as per NYCRR Part 617.4(b)(6)(i) of the regulations implementing the New York State Environmental Quality Review Act ("SEQRA") and declared its Intent to act as Lead Agency for the application on September 5, 2023. The Notice of Intent was circulated with the site plan and Full EAF Part 1. There being no opposition to the Planning Board's request, the Planning Board assumed Lead Agency status; and

WHEREAS, USLE first submitted an application for area variances to the ZBA on April 11, 2023, consisting of three area variance requests:

1. Zoning Code § 177-23.1.E(3)(b)
 - The Project is permitted to cover no more than 50% of the Property.
 - The Project proposed 57% lot coverage/area of use, requiring a 7% area variance.
2. Zoning Code § 177-23.1.E(3)(d)
 - The Project must include a fifty (50) foot vegetative buffer consisting of natural and undisturbed vegetation around all mechanical equipment and solar panels to provide screening.
 - The Project proposed a 0 foot vegetative buffer, requiring a 50 foot area variance.

3. Zoning Code § 177-23.1.E(3)(c)

- The Project is permitted to clear a maximum of ten (10) acres to accommodate the equipment compound, the area of access roadways, and the area of solar access.
- The Project proposed 23.9 acres of clearing to accommodate the Project, requiring a 13.9 acre area variance; and

WHEREAS, on June 12, 2024, USLE required a zoning code interpretation from the Town Code Enforcement Officer (“CEO”) concerning Zoning Code § 177-23.1.E(3)(c) of the Town Code and its use of “clear-cutting” and “mature tree” as it relates to what the Zoning Code section calls “the ten (10) acre limitation”; and

WHEREAS, on August 8, 2024, the CEO made a determination of the Zoning Code; and

WHEREAS, USLE appealed the Zoning Code determination of the CEO by filing with the ZBA an “Interpretation Appeal” dated October 3 2024 ; and

WHEREAS, USLE appeared before the ZBA multiple times with respect to its Interpretation Appeal, and on February 26, 2025, USLE withdrew its initial area variance application consisting of three area variances described above; and

WHEREAS, USLE modified the Project design, and on June 18, 2025, USLE subsequently submitted an application for a single area variance:

1. Zoning Code § 177-23.1.E(3)(c)

- The Project is permitted to clear a maximum of ten (10) acres of mature tree.
- The Project proposed 19.6 acres of tree clearing, including mature trees, to accommodate the Project, requiring a 9.6 acre area variance; and

WHEREAS, on July 16, 2025, the ZBA opened the public hearing on USLE’s single area variance request under Zoning Code § 177-23.1.E(3)(c); and

WHEREAS, the ZBA, pursuant to General Municipal Law § 239-m referred a full statement of the proposed action to the Ulster County Planning Board, who, on August 6, 2025, recommended the 9.6 acre variance be disapproved, stating that the request is “nearly a one-hundred percent variance of what is allowed under the existing regulations. It is also noted that the site contains an Ulster County Habitat Cores area on the property. From the Ulster County NRI ‘The cores represent land cover where biodiversity and ecosystem services have the greatest potential to remain intact and are of the highest value. Each habitat core was ranked from 1 to 5 (1 being Outstanding, 5 being General) based on size, biological and habitat diversity, and water quality and quantity. These rankings are intended to support decisions on prioritization for conservation and protection.’ Given the substantiality of the variance requested and the clarity of the zoning statute, the UCPB recommends this request be disapproved.”; and

WHEREAS, on September 17, 2025, USLE appeared before the ZBA and presented a revised Project design that reduced the Project size to 2.5 MW AC and the area variance request

to 50% of the Zoning Code requirements, or 5 acres above the ten acres of tree clearing permitted; and

WHEREAS, at that time before the ZBA, USLE also presented on a Host Community Agreement in the amount of \$5,000 USD for every acre cleared (15 acres) and modification of the Solar Array Decommissioning Plan to include funding for future reforestation of the Property; and

WHEREAS, the ZBA having duly noticed and held open its public hearing on the variance request—and having heard USLE present on the amended Project design and diminished area variance request—then closed the public hearing on September 17, 2025; and

WHEREAS, USLE formally amended its Project and area variance request on September 25, 2025 and filed a site plan, dated September 23, 2025, reducing the overall amount of disturbance, reducing the Project size to 3.58 MW DC/2.5 MW AC, modifying the Project Decommissioning Plan to include funding for future reforestation of the Property, and, to mitigate the tree clearing, committing in writing to a Host Community Agreement in the amount of \$5,000 USD for every acre of trees cleared (15.0 acres as shown in the September 23, 2025 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 recreational pursuits in the Town; and

WHEREAS, on November 5, 2025 the Planning Board, as Lead Agency, issued a SEQRA negative declaration, determining that the Project would not result in any potentially significant adverse environmental impacts; and

WHEREAS, as stated above, the ZBA opened its public hearing regarding the requested area variance on July 16, 2025, which remained open until ZBA closed the public hearing on September 17, 2025; and

WHEREAS, the ZBA has evaluated the request for the area variance under Zoning Code § 177-52(D)(4) and Town Law § 267-b(3);

NOW THEREFORE BE IT RESOLVED, that the Shawangunk Zoning Board of Appeals has determined that the benefit to USLE in granting the requested area variance outweighs any resulting detriment to the health, safety and welfare of the neighborhood or community, and adopts the following findings with respect to the requested area variance pursuant to Zoning Code § Zoning Code § 177-52(D)(4) and Town Law § 267-b(3)(b):

- (1) No undesirable change will be produced in the character of the neighborhood or detriment to nearby properties created by granting the requested area variance. The Property is not in an agricultural district and is predominantly unimproved. The Property is also not located in a critical environmental area. While there is relatively dense tree coverage in the rear of the Property, historic imagery shows the trees were cleared previously, and USLE most recent modifications substantially avoids Core Habitat Areas (rank 5) on the Property. Proposed tree planting and maintenance of existing vegetation, including the required 50 foot buffer, mitigates visual impact. Given the location of the Project in the Shawangunk Valley, USLE provided a visibility

analysis with profiles from Getrude's Nose, Sam's Point, and Sky Top Tower—publicly accessible trails/vantage points along Shawangunk Ridge and Minnewaska State Park. As showing in the visibility analysis, the Project is sufficiently distant to not represent an adverse visual impact. Unlike other large-scale facilities, this one will not be highly visible and will be screened. Lastly, USLE's commitment to reforestation and conservation efforts in the Town mitigates additional concerns over Project impact. By granting this area variance, the Project will improve the neighborhood, putting a majority unimproved and unused lot to productive use and providing clean and renewable energy to the community that carries potential savings on utility bills.

- (2) The benefit sought by USLE cannot be achieved by feasible means other than the requested area variance. USLE has worked diligently to eliminate all other possible variance requests, and has reduced this variance request, limiting the present request to relief from a tree clearing limitation and further reducing its request within that variance. USLE has presented that all other alternative designs are not feasible and this Property, despite tree coverage, is suitable for a solar array given its limited visual and neighborhood impact along with appropriate transmission infrastructure.
- (3) Although the requested area variance could be deemed substantial, USLE has revised its project design to reduce tree clearing, avoid wetlands and Core Habitat Areas, and support recreation and conservation efforts throughout the Town. Additionally, the Project proposes substantial landscaping and maintenance of the required 50 foot vegetative buffer, which minimizes visual impacts. The specific location within the Town further mitigates concerns over visual impact from adjoining public parks and vantage points. In recognition of Project tree clearing, USLE has also proposed a Host Community Agreement for the procurement and planting of trees throughout the Town, as well as reforestation of the project site upon decommissioning; and
- (4) The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The requested area variance will not adversely impact drainage, flooding, and runoff or any other topographical changes such as grading, trees, and vegetation. The Project will have a beneficial effect on the environment in providing alternative energy sources. USLE has strategically redesigned the project to minimize overall environmental impact, avoiding core habitat areas, coordinating with the USACE and NYSDEC on wetland impact, and reduced energy generating capacity to save trees. Finally, the Shawangunk Planning Board thoroughly contemplated similar factors during its coordinated SEQRA review which resulted in an issuance of SEQRA negative determination for the Project which is attached hereto and is reaffirmed by the ZBA; and
- (5) The requested variance is not a self-created hardship. The Property owner, Mr. Sparaco purchased the Property in June 2017. The Town Solar Law was adopted by the Town Board on April 5, 2018. As the Town law provision from which USLE seeks a variance

was adopted after Mr. Sparaco first purchased the Property, the hardship is not self-created; and

BE IT FURTHER RESOLVED, that the Shawangunk Zoning Board of Appeals, having considered, based upon a weighing of the five factors above, the benefit to USLE in granting the requested area variance against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant, pursuant to Zoning Code § 177-52(D)(1) and Town Law § 267-b(3), the ZBA hereby grants USLE the following relief:

1. Relief from Zoning Code § 177-23.1.E(3)(e), which permits a maximum of ten (10) acres of tree clearing, and the Project proposes 15.0 acres of tree clearing, including mature trees, to accommodate the Project, requiring a 5.0 acre area variance, which the ZBA hereby grants because the benefit in allowing 5.0 additional acres of tree clearing benefits USLE who can develop the proposed solar array that contributes to New York State climate goals and local grid resiliency, among other benefits, without significant detriment to health, safety, or welfare due to strategic Project design, its specific location in the Town and limited scale; and
2. The ZBA grants USLE the relief set forth above subject to the following conditions:
 - a. USLE shall withdraw with prejudice its outstanding Zoning Code Interpretation Appeal pending before the ZBA;
 - b. 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;
 - c. The Host Community Agreement shall call for payment to be made to the Town at the time a Building Permit is issued, tree clearing occurs if no building permit is required, or not later than December 31, 2026, whichever first occurs;
 - d. The Decommissioning Plan shall call for reforestation of the site upon its decommissioning;
 - e. Compliance with the Zoning Code § 177-23.1 et seq.; and
 - f. All the assumptions, findings and conclusions of the SEQRA negative declaration are hereby incorporated into this decision as if set forth fully here.

Resolution offered by Chair Arluck, seconded by Member Wiand, adopted on a vote of 4 ayes, 0 nays, 1 abstentions, no members being absent.

Roll Call Vote				
ZBA Member	Aye	Nay	Abstain	Absent
Dennis Arluck, Chair	X			
Susan Wiand	X			
Robert Wallner	X			
Christopher Budney			X	
Sandy Damon	X			