

MINUTES
SPECIAL MEETING FOR THE PURPOSES OF JOINT PUBLIC HEARING BEFORE THE TOWN OF
CLAVERACK

Planning Board and Zoning Board of Appeals

TUESDAY, September 29, 2020 at 7:00 PM

A. B. Shaw Fire House, 67 NYS Rte. 23, Claverack, New York
on the following application(s):

Planning Board Chairman Scott Coll called the joint meeting of the Town of Claverack Planning Board and Town of Claverack Zoning Board of Appeals to order at 7:00 p.m.

Chairman Cole led members of the Boards and audience with the Pledge of Allegiance

Planning Board members in attendance were: Chairman Scott Cole, Alberta Cox, Virginia Ambrose, Lisa Bowe, Stephen King, Tim Wyman, William Michael

Zoning Board of Appeals members in attendance: Chairman David Graziano, John Porto, Steven Melnyk, Chris Post

Along with Town of Claverack engineer; George Schmitt, Town of Claverack attorney; Rob Fitzsimmons and Planning & Zoning Board of Appeals secretary; Jodi Keyser

Also attending were Town Board members: Katy Cashen, Stephen Hook, Brian Keeler and George Duntz

Absent with regrets: Roger Case, Zoning Board of Appeals member

Claverack Creek Solar/Catskill View Solar Area Variances: Tax Map #(SBL) 100 . – 1 – 1 and Located at 151 Humane Society Rd. Area Variances for side yard setback of 51.5’ where 100’ is required making variance of 48.5’ for Claverack Creek LLC Solar.

Variance for side yard setback of 51.5’ where 100’ is required making variance request for 48.5’ for Catskill View LLC Solar.

Claverack Creek Solar LLC Site Plan Review/Special Exception: Tax Map #(SBL) 100 . – 1 – 1 Located at 151 Humane Society Rd. Site Plan Review/Special Exception for the construction of a 36-acre large scale solar energy system to be placed on a 75-acre parcel.

Catskill View Solar LLC Site Plan Review/Special Exception: Tax Map #(SBL) 101 . – 1 – 1 Located at 132 Humane Society Rd. Site Plan Review/Special Exception for the construction of a 37-acre large scale solar energy system to be placed on a 108.3-acre parcel.

Claverack Creek Solar LLC/Catskill View Solar LLC Subdivision: Tax Map #(SBL) 101 . – 1 – 1 Located at 132 & 151 Humane Society Rd. Subdivision of 151 & 132 Humane Society Rd. into three parcels.

Gillian Black, Travis Mitchell and Hyde Clarke were present for the application. Mr. Black thanked the Board members for attending and making available for the special meeting and for all of their time and consideration during the application processes. Mr. Black provided a powerpoint presentation to review the applications for the Boards and audience. Mr. Black explained that the site is owned by Edward Casivant and is located on Humane Society Rd. Mr. Black continued that the project requires Area Variance approval, minor subdivision approval and Special Exception/Site Plan approvals for each site. Mr. Black explained that the site is approximately 254 +/- acres and they are seeking a three-parcel subdivision. Mr. Black continued that the proposed solar projects will be sited on two of the subdivided parcels with the third parcel remaining on hold for a possible third solar project in the future. Mr. Black continued that the project also need approval from the Town of Claverack Zoning Board of Appeals for Area Variances for the side setbacks between the two solar projects. Mr. Black stated that the Town of Claverack Large Solar law requires 100-foot side setback to protect the neighbors of large solar projects. Mr. Black stated that this is understandable and makes sense for a typical solar project but these solar projects neighbor each other so they would have 200-feet of setback between them which would require the sites to be spread out over a wider area. Mr. Black continued that after meeting with the Town of Claverack Zoning Board of Appeals and listening to their concerns with the size of the variances being requested the plan was modified and moved slightly to allow for more distance between the projects. Mr. Black stated that the TOC ZBA were concerned with the size

of the access roads for emergency vehicles to the project with the first plan because it only allowed for 15-foot and 20-foot of access. Mr. Black continued that the modification allows for a request for area variance of 48.5 feet on each project. Mr. Black stated that he has spoken to the A. B. Shaw Fire Chief Brennan Keeler and submitted a letter of approval for the increased access to the site for emergency vehicles.

Mr. Black reviewed the project for the audience and Boards. Mr. Black stated that solar is a clean energy. Mr. Black informed the audience that this project is a community solar which creates energy that is sold to the grid and then converted into billing credits. Mr. Black continued that at this point the National Grid consumer can buy into the community solar and receive a 10% credit on their energy bill. Mr. Black explained that the site is also ecologically friendly with pollinator friendly seeds planted which generate bees, butterflies and birds to the area. Mr. Black continued that the site will encourage bee keepers to the site also. Mr. Black informed the audience that there is also a plan for a ½ acre community garden area on the eastern side of the project. Mr. Black stated that they currently work with CSA Common Roots from Troy but are willing to look at local CSA's also. Mr. Black continued that the sites have had significant visual impact reviews performed and have designed a landscaping and screening model that mitigates the visual impact at several sites. Mr. Black continued that the screening design will use a mix of evergreens and deciduous plantings to create a natural visual barrier. Mr. Black continued that EDP is dedicated to provide educational opportunities for the local school districts also and will provide money for field trips, STEM scholarships and teaching models. Mr. Black stated that these projects will also bring jobs to the area during construction. Mr. Black continued that they plan to contract with local contractors such as concrete suppliers, gravel companies etc. Mr. Black informed the Board and audience members that the project was reviewed extensively since January 2020 by the Town of Claverack Planning Board, Town of Claverack Zoning Board of Appeals and also the Columbia County Planning Department. Mr. Black continued that all review comments were received and mitigated as requested if possible. Mr. Black informed the audience that the solar arrays will be set on pilons that are pounded into the ground and that the arrays will rotate with the sun to maximize the energy obtained during the day. Mr. Black continued that the arrays will reset every night to start the process again the next day. Mr. Black continued that this process does not produce noise that will be of significance to the neighbors. Mr. Black continued that the project is in negotiations with the Town of Claverack, School districts and Columbia County with a PILOT program. Mr. Black continued that the town, school districts and county will all realize a benefit from the PILOT program.

Chairman Cole asked if the Planning Board members if they had any further questions of the applicant. No Board questions.

Chairman Cole opened the meeting to public hearing at 7:30 p.m.

Cecile Harrison- local farmer- concerned that viable farmland will be tied up with a solar field for 40 years. Feels that other sites such as medians, rooftops of big box stores, unused parking lots could be better suited. Feels that tourism is essential for the area.

Sandra Kipp-owner of Kipp's mobile home park-concerned about view of site from her park. Does not want existing vegetation disturbed and possible more planted if the third site is created. Requested that a visual impact of the mobile home park and the site be shown. Gillian Black goes to the PowerPoint to show the park and sites. Mr. Black stated that no tree removal will take place along boundary with park. Mr. Black stated that the park is very well blocked from visual impacts. Ms. Kipp stated that over the years her homeowners have lost privacy with the expansion of the Humane Society and other construction and expansion in the area of her park. Ms. Kipp stated that she has also seen an increase in wildlife moving into her property because of loss of natural habitat.

Ms. Kipp asked if there is any noise from the solar fields because her homeowners deal with noise from the Humane Society dogs barking. Mr. Black stated that there will be noise during construction with the pounding of the pilons into the ground that hold the solar arrays but noise will be non-existent after construction. Ms. Kipp asked if vegetation dies will it be replaced. Mr. Black answered yes and they are even offering to the neighbors a possible screening plan for their properties. Ms. Kipp asked about traffic. Mr. Black stated that once construction is completed traffic will not be an issue because it is not needed. Ms. Kipp asked what the hours of construction will be. Mr. Black stated that construction will take place between 7:00 am to about 5:00 pm on Monday through Friday. Ms. Kipp asked if there is a decommission plan set up if the project fails. Mr. Black answered yes there is a decommission plan set up with the Town of Claverack as part of the requirements of the Zoning Laws.

Betsy Cashen-asked what costs are set up for the decommission plan. Mr. Black answered that each site has approximately \$211,000.00 decommission plans and he stated that there is also a salvage value in the modules and a secondary market for resale of salvaged materials. Ms. Cashen stated that the Town of Copake has a big mess when a current solar field owner went bankrupt and didn't complete the screening or maintenance of the site. Ms.

Cashen asked if there is an escrow account set up to protect the Town in this type of case. Mr. Black stated that there is an escrow account set up with a credit worthy institution.

Ms. Kipp asked about hunting on the site. Ms. Kipp stated that the property across the creek is heavily hunted and has concerns with this. Mr. Black stated that the landowner has a hunting lease for family and friends only but not too many people. Mr. Black stated that the solar sites will be fenced with 8-foot high agricultural fencing so those sites are off limits to access from hunters. Mr. Black continued that once construction is complete the solar areas are off limits to hunting of any kind. Mr. Black continued that the solar arrays are monitored remotely and they can tell immediately if there a panel is damaged or not working properly. Mr. Black also informed the audience that the site has surveillance cameras throughout the site for monitoring. Mr. Black continued that the local fire and emergency agencies will have access to the perimeter of the site but no need to enter the solar fields. Mr. Black stated that National Grid will have access to the site also.

Virginia Ambrose asked if there is a maintenance contract set up for the site. Mr. Black answered yes the areas will have sheep herds enter the areas a couple times per year and will move within electric fences. Mr. Black continued that once the wildflower and pollinator friendly seeds have time to grow, they will reseed the area every year going forward.

?-Asked if the Town of Claverack has a plan for ongoing climate leadership initiative. Katy Cashen answered that the Town of Claverack has just joined the Green Initiative.

Gillian Black stated that the project has adhered to the TOC Large Solar laws.

?- Asked if the project or future projects have considered using brownfield areas. Mr. Black answered that brownfields are more expensive or are landfills where the ground cannot be penetrated, big box store roofs cannot handle the weight of the panels and usually landfills do not have easy access to the energy grid.

Letter from Cecile Harrison- protect against bankrupt, adequate screening of area, size like current Town of Copake project.

Rob Fitzsimmons informed the Board that these projects are not like the proposed project in Copake which is a very large-scale power generation project.

Jeff Kiplinger-concerned with the local environment especially spraying of insecticides on agricultural land. Mr. Kiplinger stated that no one wants to live next to a large solar field and there are no visual impacts from agricultural land because they provide great views always. Mr. Black stated that they do not use pesticides as a rule but would need to use to eradicate invasive species and they support and maintain active land management.

Steven Melnyk asked if there are any EMF emissions from the panels. Mr. Black answered that to his knowledge this is a fallacy nothing proven.

D. Davey- concerned with the three solar projects that are proposed for the area and asks if conservation easements wouldn't be better for the property. Asks the Town of Claverack Planning Board, Zoning Board of Appeals and Town Board to step back and take time to thoroughly review these plans. Asks to deny until further review is done.

Rob Fitzsimmons stated that the applicant has met all of the requirements and has addressed all issues environmental as well as visual, size, etc. as requested. Mr. Mitchell stated that they have addressed several environmental concerns with the ACOE, Fish & Wildlife, DEC for wetlands permitting. Mr. Mitchell continued that they reached out very early in the planning to each of the aforementioned to meet all of the requirements set forth.

Steven Melnyk asked if there could be some sort of yearly report/review for the Town of Claverack with respect to progress, neighborhood input, maintenance of site etc. Mr. Black answered yes could be set up. Mr. Black continued that they are always in contact with local schools, EMS training will be held once the site is up and running, PILOT checks etc.

Chairman Cole closed the public hearing at 8:35 p.m.

Rob Fitzsimmons informed the Board that the applicant has submitted 1 Resolution for both projects. George Schmitt reviewed the SEQRA Full EAF for the Board with some of the points receiving no to small impact findings.

Motion to grant a negative declaration for purposes of SEQRA was made by Virginia Ambrose with a second from Tim Wyman. All members were in favor. Motion carried.

Zoning of Appeals Chairman David Graziano took over to review the Area Variances. Chairman Graziano informed the Board members and audience that the applicant has revised the plan and is now seeking 2 variances of 48.5 feet each. Chairman Graziano continued that the TOC Zoning Board of Appeals members were concerned with the separation of the sites for emergency access. Chairman Graziano continued that even though the Board members realize that the site will not require firefighting apparatus to fight a fire at the site they still need adequate

access for safety. Chairman Graziano reads a letter from A. B. Shaw Fire Chief Brennan Keeler stating that the applicant listened to his concerns for emergency access and has increased access to 15 feet inside of the perimeter and 20 to 25 feet on the outside perimeter and thanked the applicant for making these changes.

Chairman Graziano asked if there were any further questions from the Board members. No further concerns or questions. Chairman Graziano reviewed the 5 criteria for granting an area variance for the Board and audience. Chairman Graziano stated that the only criteria not met is that the project is self-created hardship.

Motion to grant Area Variances for side yard setback of 51.5' where 100' is required making variance of 48.5' for Claverack Creek LLC Solar.

Motion to grant an Area Variance for side yard setback of 51.5' where 100' is required making variance request for 48.5' for Catskill View LLC Solar was made by Chris Post with a second from John Porto. All members were in favor. Motion carried.

Chairman Graziano thanked the applicants from being astute to the Zoning Board of Appeals member's concerns and taking the necessary steps to mitigate the concerns.

Rob Fitzsimmons reads the Resolution for the Boards and audience.

Motion to approve the Special Exception Permit/Site Plan for Claverack Creek Solar LLC and CatskillView Solar LLC for two large scale solar fields at 151 Humane Society Rd. and to grant a minor three-lot subdivision for Edward Casivant was made by Stephen King with a second from Lisa Bowe. All members were in favor. Motion carried.

Subdivision maps were stamped and signed. Subdivision final fees of \$1875.00 were paid via check.

Kipp, Peter & Diana Large Scale Solar Energy System Site Plan Review/Special Exception: Tax Map #(SBL) 101 . – 1 – 14 . 111 Located at 197 Stottville Rd. Site Plan Review & Special Exception for the construction of a 20-acre large scale solar energy system to be placed on a 56.6-acre parcel.

ReJean Devaux and Lindsay ? were present for the application. Mr. DeVaux informed the Board and audience that the project is situated at 197 Stottville Rd. and will install a 20-acre solar field on approximately 56-acre parcel owned by Peter & Diana Kipp. Mr. DeVaux continued that after Planning Board comments during the previous months they have revised the screening plan adding a 4-foot berm around a majority of the site that will be planted with 7-foot coniferous and deciduous trees that will grow to 40-feet. Mr. DeVaux explained that the berm and plantings will be installed prior to the start of construction and will allow for 11-feet of screening at the start. Mr. DeVaux continued that unlike the Catskillview and Claverack Creek Solar projects that use pilons that are pounded into the ground their solar panels will be installed on poles that are screwed into the ground so much less noise during construction. Mr. DeVaux continued that this site will not have energy storage so no need for trailers because the electricity is pumped directly into the grid. Mr. DeVaux informed the Board and audience that renewable energy is not subject to taxes but they have set up a PILOT plan with the Town of Claverack. Mr. DeVaux continued that the PILOT will benefit the Town as well as the County and local School District. Mr. DeVaux explained that there is a limited capacity for infrastructure for future large-scale solar projects in the area. Mr. DeVaux explained that they have a NYS DEC permeable road around the site with no additional flows or water influx into the wetlands. Mr. DeVaux continued that the site will be surrounded by an 8-foot tall chain link fence. Mr. DeVaux continued that existing trees will not be cut down or impacted as per a coordinated review with ACOE and NYS DEC for wetland permitting. Mr. DeVaux then reviewed the visual simulation for the Board and audience. Stephen King asked how wide will the berm be. Mr. DeVaux answered that the berm will be approximately 12-feet wide with two rows of trees and landscaping. Tim Wyman asked if the dirt for the berms will be trucked into the site. Mr. DeVaux answered yes because they are limited to under 1-acre of disturbance and they cannot move dirt from the site itself. Tim Wyman stated that there is a concern with additional traffic on the roadway. Mr. DeVaux stated that after the initial 3-months of construction the only extra traffic would be two trips per year to the site for maintenance. Mr. DeVaux stated that there are no additional traffic issues.

Chairman Cole opened the meeting to public hearing at 8:53 p.m.

Mike & Carolyn Schwab of 157 Stottville Rd. informed the Board that this project is directly in their backyard. Mr. Schwab continued that he purchased his home 20 years ago and he remembers the day that he first visited the home and was attracted to the area farmland and rural vista from the backyard of the house. Mr. Schwab continued that this project destroys his view and property. Mr. Schwab continued that he understands the need for green energy and he is not opposed to the project all together but he stresses that it is very important to have a strict decommission plan and bonding for the decommissioning and he is concerned that the trees planted for screening

be maintained and replanted if they die or fall down. Mr. Schwab continued that the visual impact from his house is significant because his property is 10 to 30 feet above the site and will look directly down onto the solar panels. Mr. Schwab continued that the screening plan is wholly inadequate and the value of his house will be directly impacted by the project. Mr. Schwab continued that he will look directly down onto the site and this affects the character of the entire neighborhood. Mr. Schwab asked that an S-turn be created, burying of the utility lines and modifications of the berm be designed because the berm will cause drainage and runoff onto his property because of the added slope. Mr. Schwab asked what times the construction will be going on. Mr. DeVaux answered that construction will run from 8:00 a.m. to approximately 6:00 p.m. Mr. Schwab stated that he is concerned with the tons of dirt that will be trucked into the site. Mr. DeVaux stated that if the Town of Claverack allowed, they could plant landscaping screening along the property lines of the houses but they have to maintain the setbacks unless this is allowed. Mr. DeVaux informed Mr. Schwab that due to site constraints an S-curve is not something that can be constructed due to the existing wetlands. Mr. DeVaux informed the audience that decommission bonding has been discussed with the Town of Claverack and they have submitted an estimate for review, stormwater from the berm will be directed to flow through pipes with one at the northern end and two more toward NYS Rte. 66. Mr. DeVaux continued that an operation maintenance bond to replant trees and guarantee the screening is completed. Mr. DeVaux continued that if more mitigation is needed for screening, he is willing to work with individual property owners to plant trees on their properties. Mr. Schwab stated that the proposed screening design will not mitigate his view and will not mitigate the view for the next 25 to 30 years until the trees mature. Tim Wyman asked if a large collection of 20-foot trees could be planted at the beginning of construction. Mr. Schwab stated that he is willing to discuss screening with the applicants but wants to have more. Mr. DeVaux stated that the screening design has been mitigated to the best of his ability and it is not feasible to plant 20 to 25-foot trees.

Missy and Donald Cranna of 225 Stottville Rd. informed the Board that they have just finished the construction of a kitchen addition with a cathedral ceiling that overlooks the field and now a large-scale solar field. Mrs. Cranna continued that they are getting to the age of retirement and planned to look at selling their home in 4 to 5 years or to give it to their son but this solar field will depreciate their home and their son isn't interested with this in the backyard. Mrs. Cranna stated that she is not against solar but this will cause her home to be unsellable. Mr. DeVaux stated that studies have shown minimal real estate value decrease with solar fields.

Mrs. Schwab stated that they moved into their home and the road was quiet but then Walmart was built and the traffic has increased so much. Mrs. Schwab continued that Walmart was never pushed to perform any traffic studies on the increase of traffic on Stottville Rd. which has caused depreciation of their property and now adding a large solar project will further lessen the value of their property. Mrs. Schwab continued that she is not against progress or changes to the area but she is not willing to allow another negative impact to her property. Tim Wyman asked if the property owners had any suggestions. Mrs. Schwab stated that the visual impact was not done from her property. Mr. DeVaux stated that the visual impact study was done to the best of his ability. Chairman Cole asked if some type of fence were installed on top of the berm. Mr. DeVaux stated that a fence would only add 8-feet and would impact the trees but wouldn't mitigate the view and fences tend to blow over or fall apart over time and require continued maintenance.

Diana Kipp one of the property owners of the solar project addressed the Board and audience that her husband's family has owned the property for over 100 years and used the land for a farming operation. Mrs. Kipp continued that the property has been lovingly maintained for 4 generations. Mrs. Kipp continued that she and her husband built their home on the property 30 years ago. Mrs. Kipp continued that when her father-in-law died, they purchased the property. Mrs. Kipp stated that they have owned the property for several years and have considered several different scenarios for the property such as selling because the cost to maintain has become concerning. Mrs. Kipp informed the Board and audience that her family has had many discussions about the property over the years and they are finding the need to relieve costs. Mrs. Kipp continued that they received several solicitations from many different solar companies but felt that Borrego was the best fit for the property. Mrs. Kipp continued that they not only thought of themselves but the benefit to the Town of Claverack, County and School district. Mrs. Kipp informed the Board and audience that she has taught for 25 years and has done her research and that this decision was not taken lightly, tough questions were asked, concessions were made and the decision was made to go with Borrego. Mrs. Kipp stated that the site was ideal due to the proximity to the grid. Mrs. Kipp continued that ultimately her family saw that this project was progressive and will provide years of clean, renewable energy to the community and she is proud of their decision.

Diane Davey stated that she is not against solar projects but the location of this project is very different than the previously discussed projects due to the direct impact on the neighborhood. Ms. Davey continued that a

conservation easement to maintain the farmland would not sacrifice the rural character of the area. Ms. Davey stated that she owns a home down the road from the project but she understands how the project will affect property values for those neighbors that are directly impacted. Ms. Davey stated that this project is ill placed and the Town of Claverack should carefully consider the locations of large-scale solar projects. Ms. Davey continued that open space needs to be conserved as much as possible.

McCabe via zoom stated the same concerns with location and the depreciation of property values.

No further comments Chairman Cole closed the public hearing at 9:20 p.m.

Rob Fitzsimmons informed the Board and audience that he appreciates all of the comments and concerns for the neighboring property owners the Town of Claverack does permit large scale solar projects and as part of the new law governing them has set a 100-foot buffer to keep as far from neighboring properties as possible. Rob Fitzsimmons continued that it is the property owners right to install a large scale solar project on their property, the Town Planning Board will review the EAF for significant environmental impacts but that is unlikely, Rob Fitzsimmons continued that he and the Planning Board members can understand the viewshed issues but the neighbors do not own the property and the Planning Board members are posed with balancing the rights of the property owners with the neighbors. Rob Fitzsimmons continued that in reality the Kipp's could have sold off the property to a developer and several houses could be built on the property. Rob Fitzsimmons continued that the owners could have explored a conservation easement but it is not up to the Town of Claverack to pick and choose what a property owner can do with their property but can only apply the requested use to the Zoning Laws and large-scale solar projects are permitted. Rob Fitzsimmons continued that the Planning Board understands that there are screening issues but understands that the developer is willing to work with the neighboring property owners and possibly planting additional screening on individual properties to mitigate the view. Mr. DeVaux asked if they were to plant on individual property's they would remove these plantings on the berm because they wouldn't need both. Mr. Schwab stated that he appreciates the offer of plantings on his property but it is not feasible due to a flagstone patio that goes to the end of his property and would prohibit plantings. Mr. DeVaux stated that he understands the concerns but he has constraints on his end also. Mr. DeVaux continued that usually dwarf plantings are used for screening for solar fields to allow for the most sun exposure as possible. Mr. DeVaux continued that the company will take a hit if they plant larger trees.

D. Davey stated that she would hope that the Town would take a pause and create a climate smart task force before permitting these large-scale solar fields. Ms. Davey requested that the Town place a moratorium on large-scale solar fields until more information and studies can be performed and other options are investigated. Ms. Davey informed the Board that she has read the minutes of the solar law and feels that it was passed too fast without consideration for the entire community and requests a pause. Ms. Davey continued that important items such as the landscape of the areas need to be carefully considered because these sites will scar the landscape for 20-40 years and she fears that the companies will be long gone and the eyesores will remain. Ms. Davey urged the Board to pause and reflect on the long-term implications of large-scale solar fields in the Town.

Tim Wyman stated that the property owners have a right to use their property as they want. Mr. Wyman continued that they could create a large housing development with 40 houses on the site.

Mr. Schwab stated that he is not opposed to solar but yes would rather see houses out of his back door than solar panels from a large-scale solar field. Mr. Schwab continued that he was always aware that the property behind his house could be developed but figured it would be housing not a solar field.

Chairman Cole closed the public hearing at 9:30 p.m.

Stephen King thanked the Board members and applicant for reviewing the project for the audience and wants the neighbors to understand that this application was difficult because of the site so he understands the feelings. Mr. King continued that the applicant was asked to add screening and a berm which they have provided but he also understands that berms can be problematic. Mr. King continued that the Board is pressed with the rights of the property owners and the neighbors. Mr. King asked the applicant if they have done all that they could possibly do to mitigate the screening because it is so close to the neighboring homes. Mr. King asked if professional landscape designers were used to design the landscaping for the site because he knows that they would make sure that the view is protected. Mr. DeVaux answered that his company has designed many landscapes and feels that they have put their best foot forward. Mr. DeVaux continued that the elevation of the grade makes it a challenge but they could change the types of trees and plant the trees at the best height. Mr. DeVaux continued that his company could spend thousands of dollars on planting a small forest of trees that will likely die. Mr. DeVaux stated that their studies show that planting fast growing evergreens make for a better and longer lasting screening as opposed to planting 40-foot trees at the start. Stephen King asked if the applicant has looked at installing a smaller solar field.

Mr. DeVaux answered that any smaller field would not be viable. Mr. Cranna stated that he looks out of his back windows and can see complete field all the way over the tractor business so his view will be of the entire solar field. Virginia Ambrose asked if a few rows were removed and plantings were placed instead would this create more screening. Mr. Cranna stated that the berm with plantings will block his view of the first few rows of solar panels but his view is of the entire field and will be of most of the solar field. Mr. DeVaux stated that the topography of the site won't change things if one row were removed or relocated. Virginia Ambrose stated that she does not have a problem personally if this were the view from her house but understands that the neighbors are upset and are concerned with their property values with the amount of impact their views will have on the solar field. Mr. DeVaux stated that if the site were moved it would have an even greater impact on more neighbors and they have designed this site to have the least amount of impact. Chairman Cole asked if a berm could be installed in the center of the site. Mr. DeVaux answered that they need to be mindful of the wetlands so this would not work. Mr. DeVaux continued that the best treatment for impact is at the source and pulling the screening further away from the houses does not create more screening but actually makes is less. Mr. DeVaux continued that they also need to be careful that they don't shade the panels because that will impact their efficiency. Mr. DeVaux continued that the best offer is to plant on the neighbor's properties and to bring the screening closer to the properties is the best mitigation. Alberta Cox stated that the neighbors will look directly onto the solar panels and asked if there is a glare. Mr. DeVaux answered that the panels are designed with an antiglare, matte material and they do not rotate with the sun but are stationary. Virginia Ambrose stated that she is trying to balance both sides and she understands that the Town, property owner and company will make money but wondered what was in it for the neighbors. Lindsay ? answered that the neighbors can opt into the plan and get a 10% savings on their electricity bills. Virginia Ambrose stated that she lives 6 miles away and a 10% savings on her bill would amount to approximately \$12.00 but this is a very insignificant amount to someone that is losing their view.

George Schmitt reviewed the SEQRA for the Board. Rob Fitzsimmons addressed the Board and audience that there were contentions with the SEQRA with visual impacts but the applicants have represented that they have studied the site and performed visual impact studies, added a berm and additional plantings along the neighboring properties. Rob Fitzsimmons continued that it is understandable that everyone will not be happy but the Town has made large-scale solar projects an allowed use. Rob Fitzsimmons continued that the Planning Board has allowed the applicant to mitigate and the applicant's representatives are willing to meet with the neighbors to make even further mitigation arrangements if agreed upon. Rob Fitzsimmons stated that this application has been a challenge for the Planning Board because of the visual impacts but if they feel that the applicant has put everything before them everything that they have asked of them. Stephen King asked if there were any more studies that could be performed to maybe find other mitigation. Rob Fitzsimmons stated that if the applicant can say that they have done everything in their power then the buck stops there and the Planning Board needs to decide if the provided information is adequate to make a decision. ReJean DeVaux stated that his company has done everything to submit an extensively designed landscape plan to mitigate the visual impacts of the site. Chairman Cole asked for a show of hands from the Planning Board members in favor of a positive declaration or negative declaration for SEQRA. Rob Fitzsimmons reminded the Board that a positive declaration of impact for SEQRA would require further studies. Virginia Ambrose stated that all of the mitigation plan that the applicant has proposed was requested by the Planning Board and required by the Town of Claverack. Chairman Cole answered yes and the applicant has agreed to two revisions. Mr. DeVaux stated that additional trees and the berm of 9 feet was added. Rob Fitzsimmons stated that the applicant also offered to work with the neighboring property owners to move the landscaping closer to their homes to create more screening. Stephen King stated that he understands that a positive declaration for purposes of SEQRA would require further review and he is hesitant to go this way. Mr. King continued that he doesn't want to be disrespectful to the neighboring property owners but the land owner of the site has the right to have a large-scale solar field on their property as allowed by Town of Claverack Zoning Laws. Lisa Bowe asked if the site will have any lighting. Mr. DeVaux answered that the area will have 2 motion sensitive lights on the sides of the array. Lisa Bowe asked if they could move the property lines to adjust the area to allow for more plantings on Mr. Schwab's property. Mr. DeVaux stated that Mr. Schwab's property has physical issues with an existing patio and wall that prohibit plantings. Tim Wyman stated that the Planning Board does not have the right to deny because it is a permitted use and the applicant has met all of the requirements. Rob Fitzsimmons answered correct and the applicant has stated that they have done everything in their power to mitigate the visual impact. Virginia Ambrose asked if the Planning Board could request that the screening plan be reviewed. Rob Fitzsimmons stated that this would be up to the building department. Virginia Ambrose stated that this would be something that she would like to see happen. Mr. DeVaux stated that approval of the landscaping plan be reviewed prior to the Certificate of

Occupancy could be a condition of approval. Chairman Cole stated that part of the condition should be that the Town of Claverack Building Department CEO meet with the neighboring property owners specifically Schwab and Cranna to be assured that the best option for them has been mitigated. Rob Fitzsimmons stated that if the Planning Board members are ok to suggest if the owners provide contact information to the applicant's representatives so that meetings could be set up to discuss further mitigation but the base plan is the base plan but the CEO will be forced to deal with continued issues and will force the applicant to return. Mr. Schwab stated that the applicant is willing to discuss their concerns but he is still worried about his view.

Motion to grant a negative declaration for purposes of SEQRA was made by Alberta Cox with a second from William Michael.

Chairman Cole polled the Board members: voting in favor of a negative declaration for SEQRA were Chairman Cole, William Michael, Lisa Bowe, Alberta Cox and Stephen King.

Voting opposed to a negative declaration for SEQRA was Virginia Ambrose.

Motion to approve the Special Exception and Site Plan Review as proposed by the applicant with the condition that the project representatives meet with the neighboring property owners to further study increased mitigate of their screening issues was made by Alberta Cox with a second from Tim Wyman. All members were in favor.

Mr. Schwab thanked the Planning Board members and he understood the difficulty that they had with their decisions.

Mr. DeVaux paid mailing fees in cash. Outstanding issue of letter from the A.B. Shaw Fire Company Chief Keeler was discussed and will be submitted as per Mr. DeVaux.

Motion to adjourn the meeting was made by Stephen King with a second from Virginia Ambrose. All members were in favor. Motion carried.

Meeting adjourned at 10:45 p.m.