

Approved 7/7/22

**TOWN OF CLAVERACK  
PLANNING BOARD  
Meeting Minutes  
June 6, 2022**

Chairman Scott Cole called the June 6, 2022 meeting of the Town of Claverack Planning Board to order at 7:00 PM

Chairman Cole led members of the Board and audience with the Pledge of Allegiance. Members in attendance were: Chairman Scott Cole, Virginia Ambrose, Lisa Bowe, Alberta Cox, Stephen King, Tim Wyman, George Schmitt; engineer, Rob Fitzsimmons; attorney and Jodi Keyser; secretary.

**Correspondence:** Chairman Cole informed the Board that he had received a letter from Colin White of New Leaf LLC requesting an extension of his approval before applying for his building permit. Chairman Cole continued that the letter stated that the company found securing financing took longer than expected and requested an extension.

Motion to grant New Leaf LLC a 90-day extension of their Site Plan/Special Use approval beginning 6/6/22 was made by Virginia Ambrose with a second from Tim Wyman. All members were in favor. Motion was approved. Chairman Cole will notify the applicant of the extension.

Board members discussed the July meeting since it falls on the July 4<sup>th</sup> holiday. Board members, George Schmitt and Rob Fitzsimmons agreed that holding the meeting on Thursday, July 7<sup>th</sup> at 7:00 PM in the Community room of the Claverack Library would work for all. Meeting change is noted.

**CONTINUING APPLICATIONS FOR 6/6/22:**

**Getaway House Inc. Special Exception/Site Plan Review and Boundary Merger/Consolidation:** Tax Map (see survey map) Located across from the Yorkshire Motel (lands of Richard Cross aka Evergreen Estates) Special Exception and land merger of 16 parcels to for 90 +/- acre parcel for the construction a 45 – 50-unit campground facility with residence, office, public water, septic system and access roads.

Rob Fitzsimmons informed the Board and audience that a neighbor has filed an Interpretation of Use for the project and it will be on the agenda for the June 22, 2022 Zoning Board of Appeals meeting.

**Emerson Solar, LLC Site Plan/Special Exception & Boundary Line Adjustment:** Tax Map #(SBL) Boundary Line Adjustment for the installation of a Large-Scale Solar Field.

Gillian Black, Anna Rehder and Jennifer Galavotti were present for the application. Mr. Black reviewed the application for the Board. Mr. Black explained that he works for Eden Renewables who are the project developers for the Emerson Solar project and they work with Environmental Design Partners to construct large scale solar fields throughout the United Kingdom, Africa and the US. Mr. Black continued that these solar fields are created as community solar which allows for the community to sign up for the renewable energy and they would see a possible 10% price reduction on their energy bills. Mr. Black stated that his company currently has 12 solar projects in the construction phase in NY and 2 others are under review. Mr. Black continued that this solar field could create enough energy to maintain 1200 homes through subscribing with National Grid. Mr. Black continued that the billing is provided by National Grid. Mr. Black explained that the solar fields that this solar field will contain a 35-acre parcel that will be planted with pollinator friendly plants to bring bees, birds and butterflies to the parcel who will then go out to pollinate the local

fruit and other crops. Mr. Black continued that they invite local beekeepers and sheep farmers to maintain the property surrounding the arrays. Mr. Black continued bees are found to pollinate an area of 3-5 miles away from the pollinator site. Mr. Black when they start the process for a project, they reach out to the community by holding open houses which they did in May with one virtual and one in person, invitations are sent out to local neighbors, sent out 4000 letters to the community and took out advertisements in the Register Star and 500 direct mailers. Mr. Black stated that with all of this the results were that 10 people attended the in person open house, 14 people attended via zoom. Mr. Black continued that this was a good opportunity to learn about the project and ask questions and to fill out an exit survey. Mr. Black added that the exit survey showed that 100% of the attendees strongly agreed that the site for the field is a good project and 50% would sign up for the community solar. Mr. Black continued that this site is at the northwesterly corner of the Town of Claverack and is in the Rural Agricultural Zone where solar fields are and approved use. Mr. Black stated that there is also a Boundary Line Adjustment associated with the project to allow more space for the solar field to keep more of the existing screening and the access road for emergency vehicles. Mr. Black continued that the entire field will be surrounded by an 8-foot agricultural style fence then a 20-foot access road. Mr. Black continued that an access roadway will come off of Stottville Rd. to the field and will have an opening in the screening and they will plant screening along the open field and maintain as much of the existing trees and shrubs as possible. Mr. Black stated that there are also ACOE wetlands on the property and they are allowed to cut trees in the wetlands but not remove the stumps. Mr. Black stated that the interconnection will be in the Town of Stockport and will transverse the Claverack Creek through a tunnel under the creek. Anna Rehder reviewed photos of the visual impact study sites for the Board members and audience. Ms. Rehder stated that the field is not visible from the electric trail and Stottville ball field, is somewhat visible from receptor site 2 along Stottville Rd. and at receptor 3 they flew balloons up at 30-feet and they were barely visible and the screening will remain at this area with only the trees being topped to the height of 20-feet but not removing. Ms. Rehder added that this is a benefit to the neighbors because it will enhance their view of the mountains. Ms. Rehder continued that in view #4 all existing trees will remain with no view of the solar arrays and the open area will have a row of screening plantings added. Ms. Rehder stated that the views from 100 feet shows trees and almost no panels only slightly at the property line. Ms. Rehder continued that the project is already heavily screened and visual impacts are limited. Ms. Rehder explained that the interconnection is in the Town of Stockport at Silvernail Welding company. Ms. Rehder continued that the glare analysis shows no visible glare from the project with 0% glare during anytime of the year. Gillian Black stated that all of the fields outside and surrounding the field will remain agricultural use as the owner has a contract with a farmer to farm the fields. George Schmitt asked that the applicant's representatives expand on the glare analysis. Ms. Rehder answered that they take a virtual model of the solar field and use red dots that model the tracking and height of a person or a truck. George Schmitt asked what they would consider is the glare. Ms. Rehder answered that the software projects the sun angle with the angle of the person against the location of the panels and the model performs the analysis according to the different times of year. Ms. Rehder added that the screening is also at 20-feet high which makes a direct glare a non-issue. George Schmitt asked if a house along the roadway has a window that looks directly out over the field how does the program know the glare and angle. Ms. Rehder answered that the program looks for intensity and minutes of glare per day on a selected date and time but added that the glare from a solar panel is like that of glare coming off of asphalt not like a mirror or window. Mr. Black added that the panels are coated in an anti-reflective product and have a geometric pattern etched into the glass that refracts light to also prevent glare. Virginia Ambrose asked what the total area of property is used with the solar panels. Ms. Rehder answered that they

have leased 40 acres of which 35 acres is the actual project with 30 acres of solar panels. Mr. Black added that at mid-day when the panels are completely horizontal the array would be a total combined area of about 10 acres but only mid-day because they have set the rows 25 feet apart so there is a lot of room for the panels to rotate. Virginia Ambrose stated that the application is not clear in the number of selective herbicides and who would be selecting them and the standard for use. Gillian Black answered that herbicides would only be used to combat invasive species but he is not sure who would make that decision but they would consult with NYS DEC as well as their wildlife biologist that is on staff. Mr. Black continued that Eden Renewables will always hold the biodiversity portion of the project. Virginia Ambrose asked if any mowing or brush hogging will be done between the panels. Mr. Black answered that they will maintain the biodiversity of the site. Virginia Ambrose and Tim Wyman asked if they will use sheep for property maintenance as stated in the application. Mr. Black answered that it is a great opportunity for a sheep farmer but Eden Renewables does not have a written contract with anyone to have sheep graze on the field. Mr. Black continued that in Great Brittan it is easier to find sheep farmers with herds to graze but they haven't finalized the biodiversity management plan but sheep management is strictly on a sheep herder and not mob grazing. Mr. Black continued that Eden Renewables will manage a relationship with a sheep herder but will not set up as part of the planned management. Stephen King stated that he understands that these solar fields change hands over and over so how will the Town of Claverack make sure that everything that the Planning Board approves is actually completed to the specifications and how is the Town assured that this is all good. Mr. Black answered that by large these fields are in LLC and sit within the conditions and approvals within which Eden Renewables manages the biodiversity and educational parts of the project for as long as the field is working. Mr. Black continued that all of the large solar fields ultimately end up in pension funds. Mr. Black continued that he cannot feel impelled to use sheep because the cost of bringing in sheep herds from a distant area is not cost effective but biodiversity measures such as stabilization of land during construction and to maintain the screening trees are indigenous plantings is Eden's responsibility. Tim Wyman asked when will the major screening begin. Mr. Black answered that screening will start toward the end of the construction but the Town of Claverack can require it to be completed earlier. Mr. Black continued that he is sensitive to the screening with the other project on the same roadway. Mr. Black continued that this field will also be phased to maintain the degree of disturbance to a minimum and the company also seeks out sites that don't require too much screening. Tim Wyman asked why is the area being clear cut instead of using the already open fields. Mr. Black answered that they had approached the property owner to use the open fields but he wanted to maintain the existing cleared fields for agricultural use. Mr. Black continued that the ACOE allows for trees to be cut within the wetlands but the stumps must remain in place. Mr. Black continued that the trees will be topped at 20 feet to alleviate the shadow but would also stop the need for a berm. George Schmitt informed the applicant's representatives that page #7 should have the planting design with schedule of plantings, number of trees and the types of trees being used. Mr. Black answered that they have used several different types of trees in the past such as white pine and that there is also a 20-foot buffer along with the mix of trees. Lisa Bowe asked if there is any other type of fencing other than the agricultural fence. Mr. Black answered that the fence is the first thing to go up along the public areas but is open with a gate for the workers, which will most likely be situated along the north west edges of the property. Lisa Bowe asked who monitors the planting/screening. Mr. Black answered that Eden Renewables is responsible as part of the biodiversity part of the approval. Virginia Ambrose stated so that means that the Town is relying on the company to monitor the screening. Mr. Black stated that he is not sure of the frequency of monitoring. George Schmitt answered that this could be a condition of approval and if the Code

Enforcement officer sees dead trees of if a neighbor report this to the Town who would report this to the company. Chairman Cole informed the Board that the Town of Claverack has hired a Zoning Code Enforcement officer Rick Schumer to go out daily to inspect projects and check out reports from the public and town. Rob Fitzsimmons stated that the Planning Board can add that the biodiversity plan be monitored for a one-year period then another one year then at 5-year intervals if this is something agreed on. Virginia Ambrose annual inspections by the company should be reported to the Town. Gillian Black stated that with 10-years of operation in the United Kingdom they have 6 years of data which is a siting guide and a baseline study for the biodiversity plan to measure parts of the educational aspect, which birds have come back to the sites, management, record keeping and reporting. Stephen King stated that this report card should be shared. Mr. Black stated that they have a pollinator report card count but still trying to understand what is already at the site to go from. Stephen King asked if there is a number to contact should someone notice something. Mr. Black answered that during construction the construction managers are on site every day and can take care of issues as they happen other than those complaints should be called into the Town of Claverack then to Eden Renewables. Mr. Black continued that once operational not much happens at the site other than the yearly biodiversity inspection and maintenance as necessary. Tim Wyman asked for the erosion control methods explained. Ms. Rehder explained that the project will be completed in phases at which a diaphragm will be set on top of gravel in channels to divert water from eroding the soils. Ms. Rehder continued that the project will not be disturbing more than 5 acres at a time and will not proceed until the previous area has settled. Ms. Rehder continued that there is already a natural water flow that comes as sheets, but creating the channels with gravel bumps makes the sheet of water disperse and then back into a sheet. Alberta Cox asked how is the interconnection crossing the creek. Gillian Black answered that they will directionally bore under the creek using a Geotech study along the creek with the NYS DEC drilling test pits until they hit bedrock. Mr. Black continued that they will not disturb the creek at all. Mr. Black continued that they will then use a polyethylene pipe to go through the tunnel then thread the wires. Alberta Cox asked if the electrical current has any impact on the fish. Mr. Black answered that there is very low voltage and only a couple of wires with AC current only so he does not expect any issues. Mr. Black continued that he has met with the representatives from the Town of Stockport and with the fire chief who submitted a letter for the file. Mr. Black continued that the plan also includes offset costs for equipment to the fire companies to purchase new equipment. Virginia Ambrose asked if the biodiversity plan will come back. Mr. Black stated that the plan has been submitted. Virginia Ambrose stated that she would like to see more specific information such as size of site, plantings, etc. Anna Rehder stated that the site plan shows that they are leasing a 40-acre parcel with the full impact of only 10-acres which is the total area used if all of the solar panels were smushed together. Ms. Rehder continued that the size does not consider the total area with openings between panels and the access roads. Gillian Black added that setbacks, fencing and the fact that this site is 725 feet from the roadway. Virginia Ambrose suggested that this information be made clearer in the site plan documents because it is deceiving when reading. Gillian Black explained that the actual density is found at high noon which becomes a 10-acre field within a 35-acre project. Virginia Ambrose stated that the numbers just don't look right. Anna Rehder stated that the biodiversity measures encompass the entire 35 acres and all of the screening outside of the fence is within the biodiversity plan. Ms. Rehder continued that the biodiversity plan is not finalized. Virginia Ambrose stated that this will be a condition of the approval. Chairman Cole asked Board members to write down anything that they would want to see as a condition of approval so that the Town of Claverack Code Enforcement Officer can make sure that things are happening as approved especially screening design. Rob Fitzsimmons asked that any conditions be made soon so that they can be added to the

**resolution of approval. Chairman Scott Cole opened the public hearing at 8:02 PM. Rob Fitzsimmons informed the Board and audience that the Town of Stockport is only the site of the interconnection and did not need any Planning Board review and continued that the applicant has also applied for a Boundary Line Adjustment which is expedited with the 2018 local law and can dovetail the approval and for SEQRA this is a Type II action and needs only one SEQRA review.**

**Jim McCabe and Donna Davey from 101 Stottville Rd. sent in written comments but was also on Zoom. Mr. McCabe read his statement for the Board as follows:**

We are writing to express our opposition to the proposed 40 acre Emerson solar project at 100 Stottville Road directly across the street from our home, including the boundary line adjustment needed to accommodate it. This would be the 2<sup>nd</sup> such industrial scale solar installation on Stottville Road, the other being the now infamous Kipp-Borego-Nexamp project abutting the backyards of several houses. With 3 other such large-scale solar installations on Humane Society Road (Catskill View Solar, Claverack Creek Solar, Clover Meadow Solar), and another on 9H in Ghent across from the airport, this would be the sixth in the immediate vicinity.

We live directly across the street from the Emerson site. We were drawn to Columbia County and this specific location 20 years ago because of its natural scenic beauty.

We will first address some issues raised in the full environmental assessment form (FEAF). This document was originally dated 2-17-2022, revised 4-15-2022 and 5-20-2022.

FEAF Question C2. Applicant Eden Renewables (“Eden”) acknowledges that the town’s comprehensive plan includes the project site. The April 14, 2008 Town of Claverack Comprehensive Plan lists as one of its goals the preservation of **“scenic views, open spaces, natural resources and the overall environmental quality of the Town.”** It suggests the town develop a strategic plan to evaluate open spaces and prioritize them, one that would identify and protect scenic viewsheds and wildlife habitats.

FEAF Question C3. Applicant acknowledges the zoning on Stottville Road is rural agricultural. The town zoning law requires the planning board to issue a special exception use permit for the project. Section 16.6 of the zoning law provides **“In permitting any Special Exception Use or approving any Site Plan, the Planning Board shall take into consideration the public health, safety, and general welfare, community character, agricultural protection, and environmental protection in addition to the comfort and convenience of the public in general in the Town and of the immediate neighborhood in particular.”** It bears emphasis that there are roughly 13 homes that will be within view of the proposed site. This point was acknowledged by Gillian Black of Eden during the 5-23-2022 Zoom virtual open house. Mr. Black also acknowledged that the Humane Society Road projects are in a more remote setting.

FEAF Question D1b. In terms of total acreage of the proposed site, Eden now says 40+/- acres (5-20, 4-15-2022), previously 35+/- acres (2-17-2022). In terms of total acreage to be physically disturbed, Eden has twice changed its answer. It now says 28.5+/- acres (5-20-2022), previously 3.7 acres (4-15-2022), and 2+/- acres (2-17-2022). When questioned on 5-23-2022 about the 4-15-2022 FEAF discrepancy between total acreage of the site and total acreage to be physically disturbed, Mr. Black said something to the effect that the smaller number relates to the soil being disturbed. In response, we indicated that this seemed disingenuous, since many acres of forest will be cut down.

FEAF Question E3h. Eden responded “no” to the question is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource. On the 5-23-2022 Zoom meeting, it was pointed out that Google Maps shows the site as within 3.2 miles of Greenport Conservation Area and 2.3 miles of Harrier Hill Park overlooking the Hudson River. The views of the Catskills from these locations are essentially the same westward facing view that we and other adjacent neighbors on Stottville Road currently enjoy.

Our property is just south of the vantage point identified as receptor 3 in the visual impact assessment (VIA), originally dated 3-21-2022, updated 4-14-2022 and 5-19-2022. The 5-19-2022 VIA narrative says: **“Of the 6 vantage points, numbers 2, 3, 4, & 5 could benefit from a combination of infill screening of the existing tree lines as well as implementation of the proposed planting plan at any portions of the proposed solar array that are completely**

*exposed. All other vantage points (1, 6, 7, 8) either have limited or no visual impact due to existing topography, vegetation, distance, or a combination thereof.*" The 3-21-2022 VIA narrative did not include receptor 3 as among those requiring screening. Notwithstanding the assurances of screening, it is plain from the documentation that we certainly will be able to see the solar panels in the distance.

The huge scale of this project is inappropriate for the area. This is a residential neighborhood with abundant wildlife and open space. This project is part of the gradual industrialization of Columbia County. The strip malls and box stores in Greenport, the warehouses in the industrial park on Route 66, the self-storage units that pop up everywhere, the Transco power lines, and now, solar installation after solar installation after solar installation. It is all too much and this industrial development incompatible with the town's comprehensive plan. As someone asked at the 6/2/2022 special meeting, "When is enough, enough?"

Many acres of evergreen and deciduous forest will be cut down to accommodate this project. How is destroying carbon-capturing forest that is also habitat for deer, coyotes, songbirds, amphibians, and other forms of wildlife sustainable? Prior to the midge-borne virus of 2020 that decimated the white-tail deer population in our area, it was not uncommon to see 30 to 50 deer grazing in the fields directly opposite at dusk. While the deer are starting to make a comeback, this project, including the 8-foot perimeter fence that will surround it, will further deplete existing habitat that already was diminished several years ago with the construction of the 100-acre Greenport Commons shopping center on the other side of Claverack Creek. The loss and fragmentation of wildlife habitat is a serious concern.

We are also concerned about the anticipated noise levels and increased truck traffic during the projected 6-month construction phase of this project, which includes a gravel access road 10 football fields in length end to end.

While Eden and the property owner stand to benefit financially from this project, it will likely negatively impact the property values of our home and others on the east side of Stottville Road.

The neighbors we have spoken to seem resigned that this project's approval is a foregone conclusion and that there is little they can do to stop it or scale it back. It is now up to the Planning Board. We hope you will consider the issues raised here and the interests of local residents and deny approval of the Special Use Exception and Site Plan or significantly reduce the size of this project. Thank you for considering these concerns.

Michael Brandon asked that the Town change the nomenclature of such project name from solar farm to something else because this is nothing like a farm. Mr. Brandon continued that after the unsightly project just up the road he would hope that the Planning Board would demand that all screening be planted before the project is started. Mr. Brandon continued that the nightmare up the street which calls for trees planted on berms will never work. Mr. Brandon stated that 32 years ago he was ordered by the Town of Claverack to plant trees and he can attest to the fact that trees planted on berms will not last.

Ian Nitchke stated that purely educational comment that he grew up on a sheep farm in Australia that also grew wheat, oats, barley and had sheep. Mr. Nitchke asked if the applicant has considered planting soy, flax, pea, mustard and different plants that could also be beneficial to the area. Mr. Black answered yes they do have sites that are dual use such as in New Jersey where solar fields are mandated to have an agricultural use included with the solar panels. Mr. Black continued that they have installed 70 bat houses, scrapes for amphibious creatures, keep deer out with fencing. Mr. Black continued that the world is in a climate crisis and it is not getting better so NYS mandated that they generate 10 gigawatts of renewable energy and farmers are looking at a biodiversity crisis and seeking ways to get away from traditional farming. Mr. Black continued that this site will use both a solar part as well as an agricultural part with Bell Town farm leasing the fields for planting outside of the 35 acre solar project.

Ian Nitchke stated that he likes the idea of solar diversity and native plants but most nutritious plants are berries such as blueberries, elderberries and asked if these could be planted within the site. Mr. Black stated that although berries do well within the site the panels rotate and create shading and as much as sheep like shade plants would rather have sun. Mr. Black continued that they have a site within the Albany Pinebush and there are several shaded areas where they have started shitake mushrooms with plugs installed within downed trees and agrees that there is more room for agriculture on projects just not sure how or what type just yet.

David Robinson asked what happens at the end of the 25-year lease with the panels. Mr. Black answered that the panels are regenerated at the 15-year mark with 95% recycled materials instead of dumping into landfills, operational reuse to send the panels to developing countries. Mr. Black continued that the panels are highly recyclable with silver, lead, aluminum in the panels and steel, copper and aluminum in the rest of the infrastructure of the arrays. Mr. Black continued that the company supplies a decommission plan as part of the requirements of the Town of Claverack along with an irrevocable letter with a financial institution or bonding. Mr. Black stated that the decommission plan is approximately \$212,000.00. Dave Robinson asked if these solar fields are sold to other businesses or maintain the original owner. Mr. Black answered that these projects are set up as LLC's and after all of the approvals are granted Eden will tender out to financiers to bring in construction teams to build the project. Mr. Black continued that Eden is responsible for 1 year before another energy company is sought. Dave Robinson asked what is the relationship with Eden after the end of the one-year mark. Mr. Black answered that Eden is responsible to maintain the approvals, PILOT, maintain the biodiversity and educational components of the project for the life of the project. Dave Robinson asked if others build the projects. Mr. Black answered yes, a company will interface with the Town of Claverack Building Department. Mr. Robinson asked if the project is designed before it is purchased. Mr. Black answered yes but the design can always change slightly due to supply. Dave Robinson asked if they are required to return to the Planning Board with any changes. Mr. Black answered no they do not typically need to return only slight modifications that are approved by the Building Department. Mr. Black continued that there are several things that are maintained such as the fence line, biodiversity, lease, roadways, side of pads and their location, disturbances, ACOE permits and if the Planning Board requires all screening prior to start. Dave Robinson asked if the buyer provides the bond. Mr. Black answered the buyer issues the bond or irrevocable funding. Dave Robinson stated that this is complicated and is designed to move through dept equity and ITC and at the end of 7 years it would go to another level of financing or into a financial fund or pension.

Mr. Schnackenburg is concerned that taxpayer money is going into these projects then they don't work and the taxpayer is out. Mr. Black answered that is not a fair assessment because looking at the tax PILOT and look at coal, gas and oil all get subsidies. Mr. Schnackenburg stated that without the taxpayer support this does not work in a capitalistic market there is no payback to the taxpayers. Mr. Schnackenburg continued that low density energy is not sustainable. Mr. Black answered that this is not true.

Continued to July 7<sup>th</sup> meeting.

Stephen King asked that a copy of Mr. McCabe's comments regarding the SEQRA are interesting. Rob Fitzsimmons referencing SEQRA look for the impacts but due to the distance the impacts are not an issue. Need to ask can you see it? Would not use? Rob Fitzsimmons informed the Board that the Town of Claverack Board has initiated a moratorium for the next three months to allow time to revisit the Large Scale Solar law. Rob Fitzsimmons continued that the Town Board followed NYSERDA and added some restrictions and conditions as they felt would be beneficial. Rob Fitzsimmons continued that the Town Board will be looking at if the property owners in the Town will see solar panels or not ever see solar panels, number of solar fields and how many is too many, size of systems, zones allowed, setbacks and any other restrictions that might be considered. Dave Robinson agreed and encouraged the Town Board members in attendance to carefully consider that 1 or 2 large solar fields are fine but what point do they say that there are 2 in this vicinity so cannot allow anymore but 4 seems excessive in such a tight area.

Chairman Cole stated that these projects are only allowed in certain zones. Dave Robinson understands the struggle the Town Board and Planning Board have but consider sensibly so the Town does not become a Large Solar Field Kingdom, and when is it too many. Dave Robinson continued that it appears that Stottville Rd. is becoming a solar community and if he owned a home there, he would be very upset.

Chairman Cole asked Planning Board members to gather questions. Rob Fitzsimmons stated that the application is complete and should be referred to County Planning.

Motion to refer the Emerson Solar Application to the Columbia County Planning Department for review with the applicant submitting all paperwork was made by Virginia Ambrose with a second from Tim Wyman. All members were in favor. Motion carried.

Mr. Black paid mailing fees.

Need comments to Gillian Black for draft resolution as soon as possible.

Continued to July 7<sup>th</sup>.

**Patel, Mehul/Kasselmann Solar Site Plan/Special Exception Review: Tax Map #(SBL)121 . 3 . 2 – 64 .**  
**2 ground mounted solar array of 12.00kW.**

No representatives were in attendance. No Show.

**NEW APPLICATIONS FOR 6/6/22:**

**Sutton, David & Masters, Victoria Special Exception/Site Plan: Tax Map #(SBL) 130 . – 1 – 6 . 112**  
**Located at 195 Stone Mill Rd. Special Exception/Site Plan for the construction of a 56 panel ground mounted solar array, 1 SMA S87 inverter, 2 SMA S86 invertors.**

Brian Flynn with Sun Common was present for the application. Mr. Flynn informed the Board that his client is seeking to install a 56-panel ground-mounted solar array on their property. Mr. Flynn continued that the array will be situated within a +/- 50-acre parcel and is setback 840 feet from the roadway which will make it completely hidden from the roadway. Mr. Flynn continued that the array will meet all of the required setback without issue. Mr. Flynn continued that the property is mostly wooded and the array will be completely screened and not visible from any neighbors. Mr. Flynn informed the Board that there will be disconnects at the array and on a stanchion. Mr. Flynn continued that there will be a 150-foot trench with minimal erosion and will be completed by returning the sod that was removed and then planting a pollinator friendly seed mix. Mr. Flynn stated that the trench will be staked and flagged by National Grid prior to digging. Tim Wyman informed Mr. Flynn that the trench needs to be clearly indicated on the maps that are entered into the Town file. Mr. Flynn informed the Board that they are very careful to maintain the SEQRA and aim to steward with not having erosion, no noise, minimal traffic and completed within 4 days. Mr. Flynn continued that they use a 4-person crew using a couple of vehicles with one trailer that stays on site until completion and no use of heavy equipment. Mr. Flynn informed the Board that the owner has already completed some stormwater mitigation. Chairman Cole asked how the poles are installed, pounded or screwed. Mr. Flynn answered screwed into the ground. Chairman Cole informed the Board that these applicants appeared before the Planning Board a few years ago and received approval for an Agri-tourism business which would allow for 10 cabin/tiny homes to be constructed as a farm stay rental. Chairman Cole continued that the approval strictly mandated that required that the owner dwelling be fully built and occupied prior to any of the guest houses being built and occupied. Chairman Cole continued that the owners have constructed a home using 6 shipping containers. Chairman Cole stated that the owners have received a permit for the residence but will need to return to the Planning Board because the application has timed out passed the 90-day threshold. Virginia Ambrose asked if the array will move or be stationary. Mr. Flynn answered the array will be stationary. Rob Fitzsimmons reminded the Board that residential use is a Tier II use for purposes of SEQRA and the Board requires the level of detail for the applicant to show the trenches with marked meets & bounds survey but in the past the Board has waived these requirements on some larger parcels but also required this information when the trench is close to a boundary line or neighboring property. George Schmitt informed the applicant that the survey does not show the location of the house. Lisa Bowe asked to see an updated map with the locations of the house, septic, well and trench clearly marked. Chairman Cole also stated that he knows that there is another shipping container, cabin and shed all on the property and all should be shown on the map. Mr. Flynn stated that he will get all of the required information added to the map. Rob Fitzsimmons

stated that the wetlands should also be shown on the map and any trees that will be removed for the trench. Mr. Flynn answered that they will not need to cut any trees. Jodi Keyser informed Mr. Flynn that the application is missing the abutters list and mailing addresses for the abutters for noticing the public hearing. Mr. Flynn stated that he will update the Site Plan into one map, will add the structures, trench, 2 disconnects with one at the residence, abutter list with mailing addresses. Continued to July.

**Abeyatunge, Krishan & Lambert Site Plan/Special Exception:** Tax Map #(SBL) 111 . – 1 – 11 Located at 148 Kittle Rd. Site Plan Special Exception to convert an existing 390-square foot garage into a guest house.

Mr. Abeyatunge was present for his application. Mr. Abeyatunge explained to the Board that he is seeking approval to convert an existing garage into a guest house for members of his family when they come to visit. Mr. Abeyatunge continued that the garage is 400 square feet that will be used for his office also. Mr. Abeyatunge explained that he and his wife have a 2 year old son and they have family visit as often as possible as well as his father-in-law who has had recent health issues and cannot use stairs. Mr. Abeyatunge continued that the size of their residence does not make it easy for them to host family. Stephen King asked if the guest house would be added to the septic system and if so then he would need to obtain a permit from the CCDOH. Mr. Abeyatunge answered that the septic system is very far from the garage. Lisa Bowe stated that the Board needs to see a survey map with the well, septic, house and garage. Mr. Abeyatunge stated that he was considering a composting toilet instead of adding to the septic system. George Schmitt suggested calling Mike DeRuzzio with the CCDOH and that hiring an engineer to design the guest house. Mr. Abeyatunge stated that the well is very good but he would still need an engineer. Mr. Abeyatunge continued that he has contractor Ben Doty working on the plan. Rob Fitzsimmons informed the Board and applicant that if this is to be considered a guest house then there is an issue with the lot size because of the 5-acre density zone it would require that the buildings are on a 10-acre lot to allow for a subdivision in the future. Rob Fitzsimmons continued that if this is an accessory apartment that would be a better fit for the application. Mr. Abeyatunge will revisit the Building Department to revise his application into an accessory apartment. George Schmitt informed the applicant that he will still need to bring in the survey with house, garage, septic, well all shown as well as the floor area of the primary residence and the garage. Continued to 7/7/22.

**Cheffo Farms LLC & RPK Properties Boundary Line Adjustment:** Tax Map #(SBL) 120 . – 1 – 3 . 3 Tax Map #(SBL) 120 . – 1 – 3 . 1. Boundary Line Adjustment located off Old Lane.

No representative in attendance.

*Board member Virginia Ambrose requested to be recused from the meeting during the next application.*

**Ambrose, Peter & Virginia Subdivision:** Tax Map #(SBL) 122 . – 1 – 67 . 11 Located at 29 Old Barrington Rd. Subdivision of 136.789 into 4 parcels consisting of 13.887, 10.718, 14.140 and 98.046 acres respectively.

Dan Russell was present for the application. Mr. Russell informed the Board that his client is seeking to subdivide 136.789 acres into 4 parcels located at the intersection of Old Barrington Rd. and Old Oak Rd. Mr. Russell continued that Mr. & Mrs. Ambrose have 3 daughters and are gifting each one with a parcel. Mr. Russell continued that the middle parcel will be deeded to daughter Susan and she has CCDOH approval and getting ready to build. Mr. Russell informed the Board that he has all the driveway cuts approved from Louis Lamont included in the application. Mr. Russell continued that

the other two parcels do not yet have perk testing. Mr. Russell continued that TOC Planning Board has waived this requirement before on large parcels because it is likely that somewhere a septic system can be designed. Rob Fitzsimmons informed the Board that yes, they have waived this requirement before and feels that this would be fine for this application also because even if there is a problem a raised bed system could be designed but is up to the desecration of the Board members. Chairman Cole asked what the cut off is for determining a major subdivision as opposed to a minor subdivision. Rob Fitzsimmons stated that a major subdivision consists of 5 or more parcels so this is classified as a minor subdivision. Mr. Russell stated that this is a pretty straight forward subdivision.

Motion to accept the application as complete and set public hearing for July 7<sup>th</sup> was made by Alberta Cox with a second from Tim Wyman. All members were in favor. Motion carried.

*Board member Virginia Ambrose reentered the meeting.*

**Schnackenburg, Jurgen & Werner, Friedrich Subdivison:** Tax Map #(SBL) 123 . – 1 – 63 . 111 Located at Donnelly & Preusser Rd. Subdivison of 128.55 acres into parcels of 60 acres and 68.55 acres respectively.

Dan Russell was present for the application. Mr. Russell informed the Board that the family of Mr. Schnackenburg and Mr. Werner are seeking to subdivide the 128 +/- acre parcel into two parcels of 60 acres and 68 acres. Mr. Russell continued that the parcels are under a Conservation Easement with the Columbia Land Conservancy which is provided in the application. Mr. Russell continued that the sons and wife of Mr. Schnackenburg are seeking the subdivision to sell the property. Mr. Russell continued that there is a curb cut approval for the access to the parcel off of Donnelly Rd. but no septic approvals for either parcel but due to the size it would be possible to install some sort of system someplace. Mr. Russell continued that the Preusser Rd. parcel is more complicated which has a shared access for three parcels with a maintenance agreement which he provided in the application. Mr. Russell stated that Wilcox and Finklestein have easement over the Schnackenburg property to access their property. Tim Wyman asked the width of the access off of Donnelly Rd. Mr. Russell answered that there is 60 feet of frontage. Mr. Russell continued that the parcels have a total limited development agreement with CLC so not allowed to build or do anything to the north or south of the line, but do have two acceptable development areas. Virginia Ambrose asked if the CLC agreement allows for public access such as other conservation areas have. Mr. Russell answered no it is just to maintain the rural character of the area. Tim Wyman stated that the Wilcox is actually an island within the Schnackenburg parcel. Mr. Russell agreed that this was created in 1999 and also created the restricted area of building to protect the Wilcox property.

Motion to accept the application as complete and set for public hearing on July 7<sup>th</sup> was made by Tim Wyman with a second from Stephen King. All members were in favor. Motion carried.

**Columbia Tent Rentals Site Plan/Special Exception:** Tax Map #(SBL) 101 . – 2 – 52 Located at 8 Bender Blvd. Site Plan/Special Exception to construct a 5,760-square foot addition along with a 1,250 square foot shed roof for outdoor storage onto the existing 10,000 square foot building.

Rich Andreasson was present for the application. Mr. Andreasson informed the Board that his client is seeking a modification to his previously approved Site Plan/Special Exception which entails a 5760 square foot addition with loading dock and a 1250 square foot shed roof both for storage of equipment for his tent rental/party rental company. Mr. Andreasson continued that Mr. Dusenbery will remove all of the existing tractor trailer box units out and will only use the inside of the building for storage. Lisa Bowe asked if Mr. Dusenbery will also remove the tent that is also being used for

storage. Mr. Andreasson answered yes, and the outside storage became an issue when his client could not obtain a certificate of occupancy due to the high pile storage that was a violation of the use. Mr. Andreasson continued that this made Mr. Dusenbery move all of the equipment outside so that he could get the CO but this is now an issue. Lisa Bowe stated that this is not acceptable and removing all of the truck boxes and tent storage will be made a condition of the approval. Chairman Cole informed Mr. Andreasson that the business is still in violation of the approval because the screening and planting design that was part of the initial approval was never even started. Chairman Cole continued that a new landscaping plan with now additional screening prior to the approval and as another condition of the approval the Board will require that all landscaping be completed prior to the start of any new construction. George Schmitt added that the planting design should not have any invasive species. Stephen King suggested that Mr. Andreasson research the invasive species on the NYS DEC website. Stephen King stated that he will ask that a third condition of approval should be no further outside storage of anything. Chairman Cole asked about the shed roof and what will be stored under it cannot overflow and must be kept tidy. Mr. Andreasson answered that they will add a side to the roof along the NYS Rte. 66 side to shield the view of stored items. Virginia Ambrose stated that the Code Enforcement Officer will now be looking into the storage issue. George Schmitt informed the Board that the previous Code Enforcement Officer cited the business for the high pile storage which is not allowed without specific building requirements so the owner wanted to occupy the building and removed the items that were stored above a certain height. Chairman Cole informed Mr. Andreasson that the Board will need stamped building plans showing the floor plan, need a survey and a landscaping plan with added screening for the additions. Continued to July. Mr. Andreasson will notify Jodi Keyser if the survey is ready in time for the meeting.

#### **Other Business:**

Rob Fitzsimmons informed the Board that the representatives from Getaway will not return to the Planning Board because a neighbor has filed an Interpretation of Use with the Zoning Board of Appeals. Rob Fitzsimmons continued that the Interpretation of Use was filed after the cut off for the May meeting of the Zoning Board of Appeals so it will be on the agenda for the July 22<sup>nd</sup> meeting and will take approximately two meetings because they will require a public hearing for the interpretation. Rob Fitzsimmons continued that the neighbors opposed to the project are seeking an interpretation because the Building Department filed the application as a campground and the neighbors feel that this is more like a hotel and not a campground. Rob Fitzsimmons continued that the neighbors filed the interpretation too late because the Getaway representatives have a letter from the Building Department dated 1/2022 that he deemed the use as a campground and the neighbors missed the 60-day window to file opposition but the ZBA will still need to hear the application and public hearing but it was filed untimely. Rob Fitzsimmons informed the Board that the opposition have hired attorney John Lyons and Getaway is represented by Matt Liponis. Chairman Cole stated that the Board members have a lot of questions for the TOC legal and engineering and asked if it would be possible to have a workshop to discuss the application. Rob Fitzsimmons answered that it would still be an open meeting and required to be noticed in the newspaper and website so anyone can attend.

Motion to adjourn the meeting was made by Alberta Cox with a second from Virginia Ambrose. All members were in favor. Motion carried. Meeting adjourned at 10:00 PM.

Respectfully submitted,

Jodi Keyser, Secretary