

PLANNING BOARD MEETING - FEBRUARY 5, 2024
CALLED TO ORDER BY: CHAIRMAN WAYNE JOHNSON AT 7:05p.m.

PRESENT

Wayne Johnson, P.E.
John LaVoie
Lawrence D'Angelo
Andrew Aubin, P.E.
James Shaughnessy, P.E.
Stephanie Leonard
Attorney Craig Crist, Esq.
Richard Laberge, P.E. Planning Board Engineer
Melissa Knights, Acting Director of Planning & Zoning
Erika Pratt, Administrative Assistant to Building, Planning & Zoning

MEMBERS ABSENT

Denise Mayrer, Chairwoman

APPROVAL OF THE DRAFT MINUTES OF THE — JANUNRY 8, 2024 MEETING AS THE OFFICIAL MINUTES

LaVoie moved, Shaughnessy seconded that the draft minutes be approved as amended, as the official minutes of this meeting.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Shaughnessy

Oppose: None

PUBLIC COMMENT

No Comments

Public Hearing

Melissa Knights read the hearing notice(s) as published in the Troy Record:

Shamlian Subdivision published January 27, 2024

Chairman Johnson directed the affidavit(s) of publication be made part of the hearing record(s).

Public Hearing Opened at 7:06 p.m.

held open until the next meeting.

Shamlian Subdivision

2023-28/PD1/227-1-7

201 County Rt.32

Proposed - 4 lot Subdivision and a Lot Line

PB 2/5/24

39-2024

Steve Hart, Hart Engineering was present for this meeting.

Steve Hart stated that they want to subdivide the parcel. The bulk of the parcel is 75 acres of land, there is a proposed solar farm that was approved by a town board for a PD 2 overlay and the solar field. The client wants to break the land up into 4 building lots, 5 acres each, which meets code for the towns of Schodack and Kinderhook. All the frontage on Route 32 is in Kinderhook.

Wayne Johnson asks if any member of the public has questions regarding this proposal. Members?

Richard Laberge asked about the original solar PD encompassing the entire parcel or just the facility and open space.

Steve Hart said that is an answer from EDP the project surveyor and original engineer. He believes there are different easement areas so that the solar company doesn't control the entire piece of land. He said he will have to get an answer on this as he is unsure.

Richard Laberge said that's fine and his office or this board can check the decision on that to see what it encompassed and how it was written.

Steve Hart said he is seeing a note from EDP on the plan where it states there is a lease hold estate memo of a restated land lease of about 32 acres. Again, he believes the solar company has rights over a smaller parcel. We are making a parcel 74 acres in size.

Richard Laberge stated it will come down to that final paperwork. Thank you.

Wayne Johnson stated he has a couple of comments on the lot line adjustments. The acreage needs to be shown prior and after the adjustment. It's not shown for either of the parcels that will be accepting the property, and what is going to happen to the remaining lands. Also, Kinderhook was mentioned. Have they approved this subdivision or are you going to them before you come back to this board?

Steve Hart stated yes, he already had met with them, and they knew that this board had more knowledge of what went on with the solar field, because this board approved it and the town board. They have asked that we come here before, then return to Kinderhook for one or two more meetings.

Wayne Johnson said so for the attorney does that mean we are going to continue this public hearing.

Craig Crist stated yes, we should continue the public hearing and Mr. Hart and I have spoken, and I believe he's aggregable with that. We all will talk.

Wayne Johnson asks if this board needs to make its decision about the subdivision before Kinderhook tells us it is okay. Or do they have to tell us it is okay before we give our approval with the subdivision?

Craig Crist stated he thinks we can do our subdivision approval as independent of what Kinderhook does with a condition.

Wayne Johnson asked Steve Hart to clean up the map a little to show lot line adjustments before and after acreage.

Steve Hart asked if there was a modification on the PD-2, is that a Town board decision, is that correct?

Craig Crist said yes of you are modifying the PD that would be a Town Board modification.

Steve Hart asked if they would need a recommendation from this board?

Craig Crist stated yes, he believes they would.

Wayne Johnson said okay we will extend the public hearing and continue it on March 4,th the next meeting.

MOTION TO CONTINUE

Shaughnessy moved; D'Angelo seconded that the Planning Board approves a motion to continue the public hearing at the next meeting.

6 Ayes. Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Shaughnessy

Oppose: None

Laberge letter dated January 30, 2024

Re: Conceptual Subdivision Review

Shamlian Subdivision

SPB #2023-29

We are in receipt of a revised Minor Subdivision and Lot Line Adjustment Plan for the above referenced project printed January 24, 2024. This plan shows the proposed subdivision and boundary adjustments along with the approval solar facility. We compared the submitted plan against the previously approved utility solar plan and found the depiction of the facility location to be accurately shown on the subdivision plan.

We offer the following comments on the concept plan:

- 1) The proposed eastern boundary of Lot 1 has been moved farther east from what was depicted on the original plan to be a minimum of 200' from the solar facility's fence for that portion of the fence that is in the Town of Schodack.
- 2) The 23.51± acres shown to be lot line adjusted is now shown to be appended to the Lands of Williams to the east. Additional boundary mapping of adjacent parcels will be needed to adequately depict his adjustment.
- 3) The plan should show the Solar PD-2 overlay in the zoning table.
- 4) The Planning Board previously declared its intent to seek Lead Agency status under SEQRAA. A coordination letter was sent to Kinderhook Planning Board last week. No further action can be taken on SEQRAA until a formal response is recovered from the Kinderhook Planning Board or the requisite thirty (30) daytime period elapses.

We recommend the Schodack Planning Board conduct the public hearing and subsequently indicate to the applicant any modifications they would like to see incorporated on the revised plat.

Please contact us with any questions or comments on the above.

Subdivision / Lot Line

Simpson 2 Lot

2024-5/RA/220.-3-5.3

10 Graw Road

Proposed - 2 Lot Sub

Richard Laberge of the Laberge was present for the meeting.

Richard Laberge stated that the town on behalf of the owner Simpson is looking to subdivide out a parcel for a water tank. As is well known the water main is extending down Route 9 and part of that plan has been to build a tank up off Graw Road. They are planning on taking 150 x 220 feet up against the lands of Lou Spada for a tank site and for access to it and easement will be created for utilitarian purposes for the Town of Schodack, which is under contract to purchase the lands. The town is desirous to see Mr. Simpson subdivide the land as well. We request you to schedule a public hearing for this subdivision matter.

Wayne Johnson asks the members if they have any questions for the engineer.

Wayne Johnson stated he wants to make aware that they need to show the acreage prior and after the division on each parcel. We do not have to do anything about the easement going across.

Richard Laberge said they are there at the request of both landowners. They are illustrated to show that there is access so the board understands how the town would access the parcel.

He notes that this is not a normal subdivision, the town has some rights to go ahead and do this, but feel its proper to bring it to the board so that it as an approval that it then goes through the Rensselaer County Tax department and the owner gets credit for selling the land to the town and this parcel is also not assessed in the town assessment roll.

Wayne Johnson asks where the waterline will go from here.

Richard Laberge said the waterline from the tank will follow this easement as well and at Graw Road head north and then west down to Route 9. It will serve as a storage facility.

Wayne Johnson asks members if they have questions. Do we need a public hearing?

Richard Laberge said this is like the O'Neil properties subdivision, and it is best to follow protocol and have a public hearing.

Wayne Johnson said okay we will set a public hearing for March 4th.

Motion to do a Public Hearing.

Shaughnessy moved; LaVoie seconded that the Planning Board approves a motion to hold a public hearing at the next meeting.

6 Ayes. Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Shaughnessy

Oppose: None

Subdivision / Lot Line

Tim Kelley / Steve Hart

2024-4/PD2/200.-3-5-8

1655 US RT 9

Proposed - Commercial 2 lot sub.

Steve Hart, Hart Engineering was present at this meeting.

Steve Hart states that most members are probably familiar with this parcel of land, as they were in almost 3 years ago with a subdivision and currently one building Dibble Equipment and he moved in about a year ago, and the Trojan Energy building is here which is still under construction. At the time they had a PD -2 overlay approved by the town board and requested 4-5 building lots to be allowed and up to 100,000 SF building. Currently the two buildings ae about 30,000 SF. So, we are looking to develop the balance of the land and are here for two reasons one is for the subdivision which is now and then later the agenda for the site plan. There is a 17.3-acre piece of land surrounding the lots that are currently being developed. We are looking to break a 6-acre parcel off the 17.3 parcel that will be

identified as lot three and an 11.62-acre parcel that will be identified as lot 4. That the history of the parcel in full so you are orientated with the property.

Wayne Johnson asks if the access road will be all on parcel 4?

Steve Hart said yes that is correct.

Wayne Johnson said that you will need easements for all the other parcels to use that access road.

Steve Hart said that is correct, they are already in place, and we will make sure the board will get copies of those. Lot 1 and lot 2 right now share the same driveway. There is a shared driveway maintenance agreement.

Wayne Johnson asked if this was going to be the subdivision map?

Steve Hart noted that ultimately the surveyor will be preparing the map with everything on it.

Wayne Johnson said the map the way it shown now, the lines don't make it clear what the parcels is that is being subdivided.

Steve Hart said he will have it cleaned up.

Richard Laberge said he doesn't see any big issues with the map, this is his first time viewing it. We should probably combine the site plan and subdivision for the same public hearing so it's viewed as a whole. There may also be a public hearing for the water quality control act after the review process is completed.

Wayne Johnson asked if there is any parking being shown? Is it going to be self-storage?

Steve Hart said the smaller buildings will be self-storage and maybe a small warehouse building, maybe broken up into contractor areas. We should probably show minimal parking spaces.

Wayne Johnson asked if the 20-foot set back from the eastern most building adequate for this type of use.

Steve Hart said he will look at the code and confirm that it meets the requirements.

Wayne Johnson said more so for safety i.e. fire protection.

Richard Laberge said he would recommend that the board move the subdivision application forward with the site plan.

Craig Crist asked Steve Hart if he is aggregable to adjourn time periods to allow the site plan and the subdivision to be completed later once we have a complete submission.

Steve Hart said yes.

Richard Laberge said so no action on this tonight except to refer it to engineering. There are two applications here with two different applicants.

Wayne Johnson stated that nothing will be done tonight, and we will set it up for a public hearing.

Site Plan / Special Permit

SGT Enterprises LLC.

2024-3/PD2/200.-3-5-8

1655 US Rt. 9

Proposed - storage/warehouse.

Steve Hart, Hart Engineering was present at this meeting.

Steve Hart stated that we show the topography on the map, as it is an odd layout due to the lay of the land. The road is configured the way it is because it is the only usable portion. Most of the buildings are 20 or 40 feet deep, fitting the land as best as possible.

Richard Laberge asked Steve about staffing and or security for this site.

Steve Hart stated that there would be fencing all around the site that would follow blacktop or tie into the back of the buildings. Between that and cameras. No employee staffing.

Richard Laberge asked what kind of access you would use with the fencing? Key card?

Steve Hart replied yes key card.

Richard Laberge asks about fire access and apparatus roads, lengths, and turnarounds.

Steve Hart said he will make sure that is looked at and probably will have a "T" turnaround.

Richard Laberge said storm water, is there a plan yet?

Steve Hart said there is not. But per the original each one of the sites had their own individual SWMP on them. The intent is this parcel will have one also.

Wayne Johnson said what about the wetland buffer. Is construction able to be done within that area?

Steve Hart said that the 100 foot is the buffer.

MOTION TO SEND TO ENGINEERING AND NOT DETERMINED COMPLETE UNTILL ENGINEERING REVIEW

LaVoie moved; Johnson seconded that the Application is Determined not to be Complete and in need of the Aforementioned Modifications.

6 Ayes. Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Shaughnessy

Oppose: None

Site Plan / Special Permit

George Shannon Business Park

2023-30/HC/RMF/178.-11-26.2

1 Brown Drive

Proposed - Commercial Business Park

Steve Hart, Hart Engineering was present at this meeting.

Steve Hart stated that the planning board had seen this matter a couple of months ago. SHS Holdings has a small business park with 5 buildings now situated on 9/20 close to exit 10. He has about 37 acres of land. A PD-2 overlay has been requested. The water tank is on top of the hill, My Place Restaurant is to the left and the exiting business park is on the right front of the map. The private/town road is coming in identified as Brown Drive. It is a private driveway, and the intention is to maintain it that way. We are trying to develop the flatter portion of land here on top of the 37 acres of land. Developing less than half of the overall acreage. With the intention to utilize Brown Drive. There is an existing water main, Brown Drive, that we proposed to tie into and extend. There is no sewer, and we would provide each building with its own septic field. We addressed comments from Laberge, the intent is to have a maximum total of 4 buildings and max SF of 80,000.

Wayne Johnson asks if the setback for building 1 is adequate from the existing parcel?

Steve Hart, again as part of the PD 2 we would be proposing what front, rear, and side yard setbacks would be. Probably about 20-30 feet, and he will confirm that.

Richard Laberge said the review letter December 12 on the concept of the PD 2 and it was looking at the gross layout of the site and not specifics of building layout as it may change.

Any site plan associated with the PD would have to come back to this board if the Town Board authorized it. But the town board is looking for this board to make a recommendation under SEQRA so they can rely on that in their determination. He had requested MR. Hart look at the buffers to keep the view shed from the street.

Mr. Hart said the intent is 100-foot-wide no cut no grading buffer and as part of the PD process 35% open space and a large area 60-foot strip along wetland.

Richard Laberge stated on the parcel off Brown Drive be incorporated into the PD.

Steve Hart said in the last meeting they do not include the residential homes near the road. But we figured to include them as part of the 37 acres and listed single family use a use if they were existing.

Wayne Johnson so you are just trying to protect it in case in the future you want to do something under a PD code on the two parcels if you decide to eliminate the homes.

Steve Hart stated that is correct, but as long as they stay existing single families. If they wanted to modify them, they could as long as it meets the guidelines of the PD 2 overlay.

Wayne Johnson the 35% open space when it's conveyed to the town does that lose their benefit to their parcel or once they decide to call it open space they have a right to transfer it and keep their 35% that the code requires.

Richard Laberge states he is unsure of the question, whether the town loses the rights?

Wayne Johnson not the developer.

Richard Laberge, well they are required to set it aside and there are different mechanisms in the plan development code that are allowed. They all have to be accepted. Whatever the developer is proposing needs to be accepted by the Town Board in the end and again if this board was to recommend some other type of mechanism for the open space that's fine also. In this case since the town owns the parcel the water tank is on the continuation of town lands maybe something the town board desires and then the other portion that was commented on was the 60 foot corridor along the wetlands that could someday be some type of walking trail or something that connects to some other development further to the north. If this board and the town board are accepting of it.

Wayne Johnson asked the board if there are any other questions.

Richard Laberge noted that his office needs to review Mr. Harts revised plan against the Laberge letter of December 12 and then their firm would make a recommendation to this

board for the PD. We need to complete the environmental review and schedule a public hearing.

Craig Crist states we can schedule a public hearing, but won't be closing it until we complete SEQRA.

Richard Laberge stated and we are not sure of the timetable to complete SEQRA, so if you would like to schedule it for the March 4th meeting that's fine.

Steve Hart stated they can probably wait until the next round of review comments comes back from Laberge and then we can address them and push it off till April.

Wayne Johnson noted then maybe we won't have to extend the public hearing if things are ready by April.

Craig Crist stated he thinks that maybe a better course, because then we will have a more definitive plan before us as to what the public may be commenting on, so he agrees with the approach the applicant has set forth.

Wayne Johnson said we will wait for next month to discuss more.

Richard Laberge said yes we will have another review letter and outline what we believe are the steps that need to be taken. And the applicant can come back March 4th.

Site Plan / Special Permit

David Nopper/ NYS Solar Farm Inc
1571 Van Hoesen Rd.

2024-2/R20/210.-1-4

Proposed - Residential Ground Mount Solar

Jesse Ryan, Sales Consultant, for NYS Solar Farms was present at this meeting.

Jesse Ryan noted that they are proposing a 15.3-kilowatt DC ground mounted array at this residence house.

Wayne Johnson said his only concern was to make sure they had adequate setback from the property line to the solar panel, it shows 44 feet.

Jesse Ryan said correct, that is the shortest one, all others are quite far.

Wayne Johnson asks what will the next-door neighbor be seeing.

Jesse Ryan said its not indicated on the plan the board has, but there is a 6 foot fence on the left side of the house that goes across the entire the property.

Wayne Johnson said so the fence isn't going to block the view from the neighbors.

Jesse Ryan noted there are trees that will block the view.

Wayne Johnson asked the members if they have any questions.

Richard Laberge said typically engineering doesn't review the residential ground mounts unless there are issues they like us to look at.

Wayne Johnson said his only concern is the neighbor's property and what they might see.

Jesse Ryan said there are large trees along the property line.

Wayne Johnson noted that large trees don't block much.

Craig Crist stated that a public hearing is when the town sends out notices to the neighboring property owners and that gives them the ability to come in a comment whether they are for or against the project. What you as the applicant would do at the next meeting would be come and present the approvals you are looking for. If anyone from the public comes you have the ability to address any comments they raise and then the board will probably make its decision at the next meeting.

Jesse Ryan said so you will want to see me again.

Wayne Johnson asked the applicant to bring a plan from google maps showing better where the solar panels are in relation to the neighbors, it may help if there is anyone there with questions.

MOTION TO SET THE PUBLIC HEARING

Leonard moved; LaVoie seconded that the Planning Board approves a motion to for a public hearing at the next meeting of March 4, 2024.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Shaughnessy

Oppose: None

Site Plan / Special Permit

Jake Lehman from Airosmith was present for the meeting.

Special use permit for a 20-foot extension to allow for a co locate 6 panel antennas as well as miscellaneous equipment alongside on the mount and a walk-up cabinet with a generator on the ground. This application was submitted as an eligible facilities request under section 6409 of the 2012 middle class tax relief and job creation act.

Richard Laberge stated they prepared a letter of January 23, and it was copied to Thresa Brown. The following comments were made, back in 2017 when the tower was built it received a height variance to go to 170 feet with an additional 5 feet for the lightning rod. The applicant now is asking for 190 feet with a proposed 4-foot lightning rod, just so the board understands. So we believe a variance for the additional height is required. Approval would be the variance of the special use permit as the applicant has mentioned would have to be modified and then site plan approval. Looking back to 2017 the variance was approved, and an extra 20 feet was added to what was requested so that additional co location could happen on the tower, and also at the time the applicant prepared propagation maps showing the need for the variance that they were requesting. I think that is something the applicant will need to do for this board to be able to make a recommendation to the zoning board of appeals. Structurally we need some more data making sure we have containment on the generator. The big issue is the height, the previous variance and the need to show the propagation differential between going on the same tower below the existing antenna and that we are needing to be 20 feet above. We need some data prior to making a recommendation.

Jake Lehman stated the generator does have a 2.5-gallon spill tank installed with it. This was submitted as an eligible facilities request under section 6409 back in 2012 when this bill was passed into law the whole point of section 6409 was to encourage co location for the carriers further down the line specified what an eligible facility request would be, what a substantial change would be, which includes up to a 20-foot extension on any tower that is existing that has not be previously extended. We were hoping to see some verbal approval tonight.

Craig Crist said he would be happy to review it after this and we can discuss. What you are saying is that its your position on section 6409 obviates certain approvals from this board.

Jake Lehman states that essentially what it is to do is encourage co location and limits the review down to whether it is an eligible facility request. AT & T has used this in the past.

Craig Crist said he is happy to look at it.

Richard Laberge said Mr. Lehman mentioned his colleague Ms. Brown had done something?

Jake Lehman said yes, she had reached out for the variance application that was mentioned and unfortunately just hasn't gotten to it.

Wayne Johnson asked Mr. Lehman if the reason for the zoning board to review the height incase you are going to be high enough if it fell down it would land on an adjacent parcel or house.

Jake Lehman said it's his understanding that the ZBA review it would be necessary would be due to the fact that the code limits it to 160 feet in height? He asked Mr. Laberge if that's correct?

Richard Laberge stated that he doesn't remember why it went for the variance or what the code limited it too.

Stephanie Leonard asked of the whole purpose of doing this is to make cell service better?

Jake Lehman said absolutely that is the reason.

Stephanie Leonard said better cell service is needed.

James Shaughnessy said regardless, if a variance is needed, we still need to see the structural analysis saying the structure can support the additional 20 feet.

Jake Lehman said he believes that has been submitted.

Richard Laberge said we did get a set of plans the plans referred to a structural analysis and that was not in the file. We need to figure out the process, he is unaware what the 6409 does to the process.

Craig Crist states no action is recommended tonight, put this on the calendar for next month and we will have a better idea where its going with this at that time.

Laberge email dated January 23, 2024

Re: **Concept Review**
Airosmith Clover Rd. Tower Height Increase
SRS #2023-31

We are in receipt of an application for the above referenced project consisting of an application with attachments including a Short Environmental Assessment Form (SEAF) Part 1 and a plan set last revised 11/20/2023. We offer the following:

- 1.) This telecommunication tower was originally approved in 2017 and received a variance for its height from section §219-28 (B)(2) - Towers and Antennas. The variance authorized a 170 foot tower with a lightning rod of up to an additional 5 feet. The existing tower is 170 feet tall and we assume it has a lightning rod. The applicant is proposing a 190 foot tall tower plus a proposed 4 foot high lightning rod. Therefore, a variance for the additional height is required.
- 2.) The following approvals are required:
 - a. Variance for the additional height as described above from §219-28 (B)(2).
 - b. A Special Use Permit for the proposed use as a Personal Wireless Telecommunication Service facility under §219 Article X.
 - c. Site Plan approval.
- 3.) The project is an Unlisted Action per SEQRA and will require to be coordinated with the Zoning Board of Appeals (ZBA).
- 4.) The applicant should provide information to illustrate the need for the variance including signal propagation mapping illustrating same. The signal propagation mapping should compare the additional surrounding areas that are covered by the 20' extension as compared to locating the proposed antenna array below the existing antenna array. The same should be done for a 10' extension of the tower, in order to show that the 20' extension is necessary.
- 5.) The applicant should submit the structural drawings and analysis referred to on sheet A03 of the plan set.
- 6.) The applicant should provide information to show that the diesel Generac generator proposed has secondary containment for the fuel tank. If not, secondary containment should be designed into the site plan. In addition, all available spill protection should be added to the proposed installation.

We recommend the applicant prepare the requested information above and make an application to the ZBA for the required variance.

In addition, we recommend the Planning Board declare their intent to seek Lead Agency status and notify the other agencies involved.

Please contact us with any questions or comments on the above.

Site Plan / Special Permit

Cecile Gregory Solar
3669 US Rt. 20
Proposed - Solar Farm

2022-19/RA/211.-2-1.21

Craig Crist previously secluded himself from this matter. Attorney Chris Langlois will be handling the matter.

Evan Comilloni of Collier Engineering was present for the meeting.

Richard Laberge said to refresh the board's memory, we last saw the applicants last summer and at the time the board had requested some information to assist in the SEQRA analysis. Mostly regarding visual and some trees and the applicant has now submitted that information, we have not reviewed that mostly because we thought it was imprudent to have the applicant come and explain what's happening and their information and to catch us up on the project.

Wayne Johnson said one other item that went to the ZBA was for a reduction in the distance from the property line to the solar panels.

Richard Laberge stated that SEQRA needs to be completed before any actions can be taken. If the application for the variance has been made, if it has the ZBA would be a coordinated involved agency, this board is lead agency need to go through the SEQRA analysis so the ZBA can rely on the determination and make their own determination on the variance.

Wayne Johnson said the ZBA is waiting for SEQRA. So, is tonight's presentation with the reduction in the setback?

Richard Laberge stated he will leave that to the applicants to explain.

Evan Comilloni said what is on the map is the old plan. The plan had changed, and the setback is now 150 feet from 100 feet. This has been in front of the ZBA three times. There is an extensive landscape screening along the frontage of the property. The system is now smaller went from 2 megawatts to 1.7 megawatts. There is a 50-foot stream buffer per Laberge request. Open space is accounted for at 36% and that does not consider any of the setback area.

Richard Laberge questioned about the tree trimming.

Evan Comilloni stated that tree trimming, or selective clearing is not happening any longer. They have simulated the growth of the trees to project screening.

Wayne Johnson asked if there is any way you can maintain some of the existing screening, without cutting everything down all the way into the solar panels.

Evan Comilloni said this plan does maintain the existing screening.

Wayne Johnson asked how many feet do you have between the panels and the plantings.?

Evan Comilloni said approximately 40 feet.

Wayne Johnson would like to know why they have to remove all the existing trees in order to put trees in.

Evan Comilloni said they can do away with the screening and bring the existing screening back if the board wants that.

Wayne Johnson stated to use both. To supplement the existing trees.

Richard Laberge said instead of the access road being straight in can it come in on a curve.

Wayne Johnson said more screening can be made if you curved in more.

Evan Comilloni said if they get rid of the screening then the existing tree line can creep back some. We propose this based on comments from Laberge but can be removed.

Richard Laberge said he just wants to clarify that the extensive tree planting that was mentioned is beyond the 150 foot buffer.

Evan Comilloni said it's within the 150 foot buffer.

Richard Laberge said the buffer is the buffer and then any screening would have to be beyond the buffer. It obviously takes up a little more space.

Evan Comilloni asked if the landscape screening can't be in the setback.

Richard Laberge said he is going to check into that.

Wayne Johnson stated he couldn't find the balloons in the photo sims supplied.

Evan Comilloni said the balloon study isn't modeled like the photo sims and not going to show where the system is. The summer photo shot shows a thick landscape screening.

Richard Laberge asked the applicant about poles verses ground mount equipment.

Evan Comilloni said there is about 3 utility poles proposed, and sometimes the number of poles can change. There is also an equipment pad made of concrete.

Richard Laberge said he is familiar with pole numbers. National Grid needs a pole, the facility needs a disconnect pole, and typically it's those two or three poles together that are ugly, so in some facilities we have seen them have gone to ground mounted equipment instead of poles. But you still have to come from National Grids overhead lines to the ground so there is always one pole needed somewhere. That is something that is favorable to not see multiple utility poles ten feet apart.

Evan Comilloni said the poles are about 20-30 feet apart. The poles hug the road, and the utility company likes them 5-10 feet from the road. And we are not removing many trees to get the poles in.

Richard Laberge said our information request for the photo sims, but also we were interested in some of the trees in a letter dated September 6th to the applicant. Maybe the applicant can shed some insight into that.

Evan Comilloni noted an arborist went on site. Laberge mentioned we should have an arborist go on site and look at trees that are greater than or equal to 25 inches in diameter. So we had a certified arborist go on site to look at those trees, the report was submitted.

Richard Laberge stated that the trees on the report with X are going to be removed, and what condition are they in? Viable? The trees in poor condition not shown are part of the 80 trees to be removed.

Wayne Johnson mentioned he's concerned with the trimming of trees to the south of the solar field in order to get more light to the panels and we want to make sure that if you trim a tree you were not going to kill it and now you are saying no trimming will take place outside of the solar field?

Evan Comilloni mentioned there is trimming outside the solar field, no selective trimming. Essentially the tree clearing limits are as far south as the stream buffer will allow. The fence limits to the south and the tree clearing is 10 feet further south from that. So there is a 10 foot gap between the fence and the tree clearing but not encroaching on the stream buffer.

Wayne Johnson said at one time they were talking about topping off some trees. And we did not want to see that.

Evan Comilloni said yes we did away with that and its not happening.

Richard Laberge said in terms of stormwater he pointed out one stormwater within the buffer area is there another one below the creek?

Evan Comiloni said yes as well as swale.

Richard Laberge said okay we need to review the materials as stated earlier. Evan anything else you need to add?

Evan Comilloni just clear directions on the next steps.

Richard Laberge definitely SEQRA needs to be done before the zoning board can continue their work.

Evan Comilloni asked if it was possible at the March 4 meeting they can do the SEQRA determination?

Richard Laberge said maybe, we have to do the analysis assuming no deficiencies.

Evan Comilloni, anything else we have to do or clarify before?

Richard Laberge a 239 review for the state highway. Then the zoning board would act, and you would have to come before the planning board and this board needs to make a recommendation to the town board because of the buffer.

Chris Langlois said the process is going to be step one the planning board at some point issues a SEQRA determination, negative declaration, then continue with the zoning board, then zoning makes a decision, if granted a 150 foot setback then you come back to planning board will consider making a recommendation to the town board, but if zoning board denies the variance request who knows what's going to happen so you have a couple options, abandon the project, or redesign it. Step by step.

Stephanie Leonard asked to go back to the trees, and how many and how tall they will be.

Evan Comilloni said the proposed land scape screening.

Stephanie Leonard said how tall, how many and the variety.

Even Comilloni said so they have a detailed landscape plan. The heights of trees vary from 6-10 feet and the trees along the front a little taller maybe 8-10 feet. The remaining trees are about 6-7 feet and in terms of the number of trees over 100-180.

Stephanie Leonard asked who is going to care for the trees and are they going to live.

Evan Comilloni stated they have a landscape architect who does this and certified people who pick out the diverse landscape screening. Maintenance would be on the applicant.

Stephanie Leonard said the applicant will water 200 trees?

Evan Comilloni stated yes.

Stephanie Leonard said that's not realistic we know that.

Richard Laberge said stated differently would the applicant be willing to offer some type of insurances that the trees will be there as proposed in 5 years..

Evan Comilloni asked, something as a tree maintenance agreement?

Richard Laberge said like a landscaping bond. Once a year they replace problem tree. A helpful consideration for reassurance to this board that the buffer stays in place.

Evan Comilloni said that sounds like something agreeable to.

Wayne Johnson asked if the trees will be on the existing ground not a berm.

Evan Comilloni answered that's correct.

Wayne Johnson said are we all set.

Richard Laberge said its our job to complete the SEQRA analysis and make a recommendation to this board.

Subdivision / Lot Line

Thomas Paonessa

2023-17/RA/179.-5-30

Sharon Lane

Proposed - 2 lot sub. for 2 flag lots.

Richard Laberge said the applicant isn't present, but for the project its now proposed as a two lot subdivision with two single family houses. Their office completed part three of the short environmental assessment form and put together a determination of non-significance that we are recommending to the board along with reasons supporting that negative declaration. We find and recommend the proposed action will not result in any adverse impacts and recommend that the planning board issue a negative deceleration for this unlisted action per the documents.

MOTION TO WAIVE THE READING OF THE NEGATIVE DECELERATION

Lavoie moved; Lenoard seconded that the Planning Board waives the reading of the negative deceleration.

6 Ayes. Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Shaughnessy

Oppose: None

MOTION TO ADOPTS THE NAGATIVE DECELERATION AS DRAFTED

Leonard moved; D'Angelo seconded that the Planning Board adopt the negative declaration as drafted.

6 Ayes. Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Shaughnessy

Oppose: None

ADJOURN

Leonard moved, LaVoie seconded that the Planning Board meeting be adjourned. There being no objections, Chairman Johnson adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Melissa Knights, Director Planning and Zoning

Erika Pratt Assistant to Planning - Zoning & Building