

**PLANNING BOARD MEETING MARCH 4 , 2024
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:02p.m.**

PRESENT

Denise Mayrer, Chairwoman
Wayne Johnson, P.E.
Lawrence D'Angelo
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, Secertary to Planning & Zoning

MEMBERS ABSENT

Andy Aubin
John LaVoie

APPROVAL OF THE DRAFT MINUTES OF THE — February 5, 2024, MEETING AS THE OFFICIAL MINUTES

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

4 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Absent: Mayrer

PUBLIC COMMENT

Laura Pizzola 873 Dutch Drive speaking on behalf of her mom Shirley Hicks who resides at 2450 Kraft Road. She is upset about the proposed storage unit at 2425 Kraft Road, Michael Cristo. She is concerned about the site contamination from numerous years also. It was a superfund site and cleaned up and purchased by the current owner Mr. Cristo. There are open questions before the special use permit is issued, she feels. Zoning is an issue, current uses of the property, fencing now and in future.

Chairwoman Mayrer ask Laura Pizzola if she would like to submit the comments. And if so, she can email them to the planning office.

Public Comment is closed.

Public Hearing

lines etc. The PD-2 overlay does not encompass the entire parcel but only approximately 32.6 acres of land. There are 10.5 acres of land being held in reserve as part of the PD open space, which represents 35% of the 32.6 acres±.

Richard Laberge stated that in his letter of February 21, after the February 5 meeting the board asked to review the solar PD-2 did actually cover on this parcel. We uncovered the Town Boards resolution from 2021 stating that it is a portion of the tax map parcel in accordance with the planning boards site plan file 2020-28. Mr. Harts statement about the solar PD only being the facility itself and the open space that would be part of the PD-2. The rest of the parcel is not encumbered by the solar PD-2.

Chairwoman Mayrer asked if any members have comments.

Wayne Johnson asked which comes first, this board approval of the subdivision or getting word from Kinderhook that they have approved what is being proposed.

Melissa Knights stated she received an email from Kinderhook, that they prefer the Schodack Planning Board to be lead agency.

Wayne Johnson said okay we are Lead agency, but that doesn't mean they agreed to this subdivision as proposed before they see anything else. Do we need another comment from them, that they approved as shown now that we have accepted it?

Richard Laberge said one board needs to approve a condition upon the other board's approval.

Craig Crist said they were notified of the public hearing.

Melissa Knights said they just said that we are to be lead agency, they did not offer comments on the application merits.

Craig Crist said Kinderhook could have come tonight and made any comments.

Steve Hart stated they have been in front of the Kinderhook board on two separate occasions, and Kinderhook have asked that this board to look at it first, because Schodack has familiarity with the solar fields, then they will follow up after Schodack approves it.

Wayne Johnson asked what will the meetings with Kinderhook entail?

Steve Hart said they will be holding a public hearing as well; we are breaking up lots and the intent is to put houses within the Kinderhook parcels. So basically, they are approving a 4-lot subdivision.

Wayne Johnson asked if they have done that yet?

Steve Hart said no they have not, that is correct.

Wayne Johnson asked do we approve on condition or wait for them?

Richard Laberge said that is a two-part question. The first is SEQRA, this board is lead agency under SEQRA Kinderhook ceded lead agency so Kinderhook should not act on anything until a SEQRA determination is made. Then part two is unless we hear something tonight or the board has other concerns, then we would recommend approval of the subdivision conditioned upon approval of the same subdivision from Kinderhook.

Wayne Johnson said there are parcels in both counties, are you showing acreage for Rensselaer County and Columbia County so that it can be filed in each county?

Steve Hart stated he would need to follow up with the surveyor and he can break it off.

Richard Laberge said SEQRA can proceed and that can be a condition similar to the Kinderhook planning board approval.

Chairwoman Mayrer said the suggestion is to proceed with the negative declaration.

Richard Laberge said yes, we are still in the public hearing, proceed with the negative declaration and then proceed with the subdivision approval contingent upon Kinderhook planning board approval and Waynes's comment regarding calculations of the size of each parcel in each county.

Chairwoman Mayrer asked if there are any other comments.

MOTION TO CLOSE THE PUBLIC HEARING OF THIS PROJECT

D'Angelo moved, Shaughnessy seconded that the public comment hearing of this project be closed.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

Laberge letter dated February 21, 2024

PB 3/4/24

62-2024

**Re: Extent of Previous PD Designation
& SEQRA Recommendation**

Shamlian Subdivision
SPB #2023-29

Per the Planning Board's request at the February 5, 2024 meeting, we have reviewed the Town Board's previous approval of the Utility Solar PD-2 designation on the subject parcel, which is now the subject of a subdivision application. We found that the approval did not include the entire parcel.

Town Board resolution 2021-156 (enclosed) indicates that the Town Board adopted amendment of the zoning map related to "a portion of Tax Map Parcel No 227.-1-7... in accordance with Planning Board Site Plan File # 2020-28..." As such, we find this "portion" to include only the utility solar facility in the Town of Schodack as defined by the fence line plus the requisite open space per the Planning Board's approved plan in file # 2020-28.

We note the applicant should submit a revised subdivision plat with the information in numbers 2 and 3 of our January 30, 2024 letter.

Attached for the Board's review are Parts 1, 2 and 3 of a short Environmental Assessment Form (SEAF) with a draft Determination of Non-Significance. If there are no significant issues found during the Public Hearing, we recommend the Board issues a Negative Declaration for this proposed subdivision.

C: Craig Crist, Esq. (via email only)
Steve Hart, P.E. (via email only)
David Shamlian, Applicant (via email only)

MOTION TO ADOPT THE RESOLUTION

D'Angelo moved, Shaughnessy seconded the motion to adopt the resolution adopting the negative declaration for the Shamlian subdivision.

5 Ayes. 0 Noes. Motion carried.

Ayes: Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION**

**NOTICE OF FULL ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS AND
DETERMINATION OF NON-SIGNIFICANCE**

This notice is issued pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder and set forth at Title 6, Part 617 of the New York Code of Rules and Regulations (collectively, the State Environmental Quality Review Act, or “SEQRA”). The Town of Schodack Planning Board (the “Planning Board”), acting as Lead Agency in a Coordinated Review, has determined that the proposed action described below will not have any significant adverse environmental impacts, that a Negative Declaration of Environmental Significance should be issued, and that a Draft Environmental Impact Statement need not be prepared.

Reasons supporting this determination are fully explained below.

Project Name: Shamlian Subdivision
SEQRA Status: Type I: **NO** Unlisted: **YES**
Conditioned Negative Declaration: **NO**

Location: 201 Columbia County Route 32 (address and frontage is in the Town of Kinderhook), Town of Schodack, New York (Tax ID 227-1-7)

Description of Action:

David Shamlian (the “Applicant” or “Project Sponsor”) is proposing to subdivide and create ~~three~~3 additional separate lots and make other lot line adjustments. The parcel is currently zoned Planned Development 1 (“PD-1”) with a PD-2 utility solar overlay on a portion of the parcel. The project is located on a site that is 106 +/- acres and the majority of the site is open land with a planned solar facility. No further development of the subdivided parcels, other than the previously approved Solar Facility is planned.

In addition to the Planning Board’s approval of subdivision, the following permits/approvals are also needed for the Project as intended: Rensselaer County 239-~~111~~ referral, and Town of Kinderhook Planning Board subdivision approval.

Reasons Supporting This Determination: See the Environmental Assessment Form (EAF) Part 2 as well as the attached Part 3, Reasons Supporting SEQRA Negative Declaration, which details the Planning Board's analysis, reasoning, and conclusions in making its determination of environmental significance. The Planning Board has carefully considered the criteria for determining significance as set forth in SEQRA regulations at 6 NYCRR § 617.7, and has thoroughly evaluated the Project's potential environmental impacts as identified in Full EAF Parts 2 and 3.

Lead Agency:

Town of Schodack Planning Board
265 Schuurman Road
Castleton, NY 12033

For Further Information:

Contact Person: Melissa Knights, Acting Director of Planning for the Town of Schodack
Address: 265 Schuurman Road, Castleton, NY 12033
Telephone: (518) 477-7938

Copies of this Notice have been sent to:

PB 3/4/24

64-2024

MOTION TO APPROVE THE SUBDIVISION AS SUBMITTED CONTINGENT ON KINDERHOOK APPROVAL AND THE COMMENT REGARDING PARCEL SIZES ON THE MAP.

Leonard moved; Johnson seconded the motion to approve the subdivision as submitted.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

Public Hearing the Neg dec was sent to me in excel and I need it is word to add to the minutes. I asked and they cannot find it in word.

**Melissa Knights read the hearing notice(s) as published in the Troy Record:
Simson 2 Lot published February 24, 2024**

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

Public Hearing Opened at 7:31 p.m.

Public Hearing Closed at 7:33 p.m.

Simpson 2 Lot
10 Graw Road
Proposed - 2 Lot Sub

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

Richard Laberge, Engineer Laberge Group was present for the meeting.

Richard Laberge stated the town is working with the landowner for a piece of land for the proposed water tank for the water project on Route 9. The land is approximately .76 acres. The town received an easement from adjacent landowners. This map has been updated since the last meeting to indicate the adjacent lands to the east and identify the parcel acreages after subdivision.

Chairwoman asked if anyone has questions for the applicant?

MOTION TO CLOSE THE PUBLIC HEARING

Shaughnessy moved, Leonard seconded the motion to close the public hearing.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

MOTION TO BE LEAD AGENCY

Johnson moved, D'Angelo seconded the motion to be lead agency.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

MOTION FOR THE ADOPTION OF THE NEGATIVE DECLARATION ON THIS UNLISTED ACTION

Johnson moved, Shaughnessy seconded the motion for a negative declaration on this unlisted action.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

MOTION TO APPROVE THE TWO LOT SUBDIVISION

D'Angelo moved, Leonard seconded the motion to approve the subdivision.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

Public Hearing

**Melissa Knights read the hearing notice(s) as published in the Troy Record:
David Nopper published February 24, 2024
Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing
record(s).**

Public Hearing Opened at 7:35 p.m.

Public Hearing Closed at 7:38 p.m.

David Nopper/ NYS Solar Farm Inc
1571 Van Hoesen Rd.
Proposed - Residential Ground Mount Solar

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

Gary on behalf of the Nopper family from the NYS Solar Farms on the proposed ground mount solar application.

Gary stated the board asked for better aerial photos which have been supplied to the board.

Chairwoman Mayrer asked if any member of the public would like to comment? Any board member comments?

Wayne Johnson said he had asked Melissa Knights to look into the side yard setbacks.

Melissa Knights said the minimum setback is 30-foot side yard setback.

Chairwoman Mayrer asked if there were any more questions.

Chairwoman Mayrer asked how many ground mounts?

Gary said one, six panels high six panels wide in a landscape design.

MOTION TO CLOSE THE PUBLIC HEARING

Shaughnessy moved; Leonard seconded the motion to close the public hearing.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

MOTION TO BE LEAD AGENCY

Johnson moved, Shaughnessy seconded the motion to be lead agency.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

MOTION TO ADOPT A NEGATIVE DECLARATION ON THIS UNLISTED ACTION

D'Angelo moved, Leonard seconded the motion for a negative declaration on this unlisted action.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

MOTION TO APPROVE A SPECIAL USE PERMIT FOR THIS RESIDENTIAL GROUND MOUNT SOLAR

Shaughnessy moved, Leonard seconded the motion to approve the application.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

Site Plan / Special Permit

Michael Cristo
2425 Kraft Road
Proposed - Storage Unit

2023-25/HC/178.-12-6

Attorney Craig Crist has recused himself from this matter.

Mark Jacobson from Insight Northeast Engineering was present for the meeting.

Mark Jacobson said he is here with the client/applicant Michal Cristo and he will present to you in a moment. But first he wanted to go over the comments from Mr. Laberge. They acknowledge that they have a WQCA. Test about 6 feet have been done, groundwater is down there a bit. With regards to some of the comments, they are in an HC zone.

Richard Laberge stated that as he interpreted the code, accessory uses need to be within the setbacks, especially in a commercial zone. If you have an opinion that differs, feel free to have a codes enforcement officers' interpretation of the zoning.

Michael Cristo stated that his intent is to develop the property as an exit strategy for himself to get away from what he is doing now and get into long-term use of the property. Anything that is done going forward will be less than what is being done now on the property. He runs a demolition company, so there are tractor trailers, 40-foot trailers coming in and out at times. It's a small operation compared to others in the area. They were originally approved in 2005 for a general contractor storage area and workshop. His company occupies about 7000 SF and CES occupies about 2000 SF, they are essentially a mechanic, and they operate out of their space. He uses his shop for storage of equipment, truck etc. and ongoing business. Going forward, the intent is to not have people working on site, and the existing operations will be phased out. The new plan will be cold storage only, no offices, no bathrooms, it will be a door and open space. The initial building will be 30 x 130 feet. No running a business will be permitted. It will be for storage only. There are 3 bathrooms already in the existing building and one bathroom will be made available to tenants. On average there are 5 people in the building. Has never exceeded the minimum for water usage on site. It is on Town water, but no town sewer and we are asking for a hookup to that. Fencing will be extended, and security cameras will be added. A dustless material will be used, blacktop will not be used due to the type of machines that may be stored. The intent is to make it an aesthetically more appealing site than it is now.

Mark Jacobson said to clarify there is public sewer at the road, this parcel is not within the sewer district, we would be asking for an extension of that from the town board.

Chairwoman Mayrer asked what the superfund status was.

Michael Cristo said it was cleared after he bought the property. DEC spent almost 2.5 million dollars cleaning up the parcel. A vapor test was done, and none were found on site.

Chairwoman Mayrer asked if we have the removal from the superfund site on record?

Richard Laberge said he doesn't believe so.

Wayne Johnson asked if DEC put restrictions on future use.

Michael Cristo stated the only restriction was no eating establishment or fast food.

Wayne Johnson said all the adjacent wells that were contaminated at the time have they been cleared for use now?

Chairwoman Mayrer said they are all on town water now.

Wayne Johnson wants to know why they didn't put the parcel on sewer.

Michael Cristo said it was run for Duncan Donuts.

Michael Cristo said last meeting Johnson asked about oils being stored. He said there are a number of tanks on site. He is going to be getting rid of the tanks as they are empty. Only has one tank that is used for storage. There will be no storage of oils by any future tenants of the self-storage facility.

Richard Laberge said the board is concerned about the status and the aesthetic nature of the contractor's yard. I may suggest to the board this becomes a phases site plan. Clean up phase so on so forth the applicant can propose the phases.

Wayne Johnson suggests that cleanup before the first building, 75% before the second building, 100% before the remainder. So you can be ahead so the contractors have space available.

Michael Cristo said the greenhouse will be continued and preserved.

Wayne Johnson wants the front of buildings cleared. Make sure the site stays the way it is regarding the layout until the last building is in. The outside lighting is supposed to be

full cut off down lighting and I do not think the plan states that. The light can only shine down and may require glare shields.

Rihard Laberge asked where the loading and unloading is going to happen, in the public right of way.

Michael Cristo said the loading would be in the driveway or around the back, in a designated area.

Richard Laberge said as the site redeveloped let's try to avoid doing things that are not 100 percent safe or not allowed. We will need to see the plans. And Phases will be a good idea and this board will need to approve the phases. We will need to work through the water quality control act. The details in his letter will be better shown in a preliminary plan for the board.

Mark Jacobson said about the phasing, SEQRA will consider everything that we are doing in total. So we need a phasing plan other than the order we plan to build the buildings?

Richard Laberge said for lack of better word control and enforcement. So the board gave approval and they want to see everything off the site at that time of approval. You are entitled to ask for site plan approval for the entire site, but this board is also entitled to ask for what they feel appropriate.

Mark Jacobson said that is a valid point, one thing I'd ask the board to consider when the layout and grading, the entire site has to be included, and he will include a phasing line in it.

Richard Laberge said he heard a comment about one access point, is it possible to get a second access into it?

Mark Jacobson said maybe, it depends on how large the stormwater area is going to be.

Richard Laberge said you may have to lose portion of building number 6. From a safety perspective if you have blockage.

Mark Jacobson asked if he wanted a restrictive access with a gate?

Richard Laberge said he's thinking about getting emergency vehicles into a site and around.

Stephanie Leonard asked about having someone on site full time what does site manager mean?

Michael Cristo stated that someone will be there 8 hours a day.

Stephanie Leonard asked if there will be operating hours, Monday through Friday 8-5 type of access to the storage? Or more of a facility and doing to have a badge you swipe and get in 24 hours a day?

Michael Cristo said he assumes they are going to have access, but he doesn't know that 24-hour access is going to be the norm. Most will be coming during operating hours. Unless the board says I have to, he doesn't know if he can tell them they can't access their units. But it's reasonable to assume that they would have operating hours during daylight hours. He would like to express that he is going to incorporate in the lease agreements no pharmaceuticals or drugs of any kind stored on site including recreational. The phasing was the building department inspector Gary Ziegler suggestion when he first met with them.

Wayne Johnson asked are they going to be used as warehouses.

Michael Cristo said yes. It is for contactors.

Wayne Johnson said the fencing that is there now is poor. And all the fencing needs to be replaced.

Michael Cristo said he tries to maintain it.

Richard Laberge said if it's going to be a combination of fencing it needs to be spelled out on the plan and the board needs to review it. Operational time issues that Wayne brought up was evening noise, goes back to issues we would cover under SEQRA, so the firmer the plan is the easier to analyze. The SEQRA determination should be done on the site as a whole. It is up to the applicants to propose, and the board can adjust, deny, approve whatever.

He recommends to the board that the applicant makes a submittal with more definition as much as he wants, but in writing. The letter of February 20th the board declare lead agency for an unlisted action.

Mark Jacobson said they wanted to come tonight to see what everyone's thoughts were before the application was done. Does a ZBA action have to happen before the planning board can act?

Richard Laberge said it can be done parallel tacked. SEQRA first, if variance for the greenhouse was denied it does not change the plan. Up to you.

Wayne Johnson said you must be aware that the ZBA isn't going to move on anything until you get the SEQRA approval.

Richard Laberge said SEQRA determination is not always done at the end. It can be somewhere along the process.

James Shaughnessy asked about the site and phased it out gradually.

Michael Cristo said yes to cleaning up the site.

Wayne Johnson said that seems like it is all part of his current business and can just do it as he wishes.

Richard Laberge said do your best to keep the existing fence up.

Mark Jacobson said typically with a visual barrier as you put it on the self-storage things in other towns, they put a 6- or 8-foot chain link fence up with screening.

Richard Laberge said that is up to you to propose and this board to dispose. You must show what you want to do, but the idea is we are looking for visual mitigation of the site.

James Shaughnessy asked about the renderings that were in the works.

Michael Cristo said he's modeling his facility after one in the Poughkeepsie area.

James Shaughnessy said if you could submit anything with the package that would be great.

MOTION TO SEEK LEAD AGENCY WITH THE DIRECTED COORDINATION LETTERS TO BE SENT FOR ADDITION AGENCIES AND THE 239 LETTER

Leonard moved, Johnson seconded the motion to be lead agency.

5 Ayes. 0 Noes. Motion carried.

Ayes: , Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

Chairwoman Mayrer said for the record we can't move on the water quality review act without the superfund designation, so we will work with DEC, or the applicant furnish it to the board.

Site Plan / Special Permit

Polar Hauling & Recovery
771 Columbia Tpke.

2024-6/HC/178.-15-5.2

Proposed - storage of vehicle for State Police

Justin Tater and Victoria Pallozzi from Polar Hauling and Recovery were present for the meeting.

Justin Tater states he rents 10 parking spaces from Elite Wheels on 9 & 20, and uses the spots for police tows. They have never filled the 10 space and probably won't, they are looking to continue to do so.

Chairwoman Mayrer asked if the cars are ever abandoned?

Victoria Pallozzi stated there are times where the customers can't afford to get the vehicles back and they sign the title over to us and we dispose of the vehicle.

Chairwoman Mayrer said ok, but what is the timing?

Victoria Pallozzi said she has to send a certified letter after 5 days, but a lot of times she is contacted before that. Then she scraps it at the port.

Richard Laberge asked if there is a maximum amount of time that any vehicle would sit in the yard?

Victoria Pallozzi said it's very unpredictable.

Stephanie Leonard asked if a car is there because it is part of evidence?

Chairwoman Mayrer said this is what she was getting at because that is what the complaint was.

Victoria Pallozzi said that she had one that was towed to the Schodack impound yard behind the town garage.

Chairwoman Mayrer said the point is that they can dispose of it.

Victoria Pallozzi said normally if it's something that's going to require extensive investigation they want a facility with indoor storage, so they wont call us.

Wayne Johnson asked if they have a way of addressing fluid leaks?

Victoria Pallozzi said usually they cleanup after it or place cardboard or kitty litter down.

Wayne Johnson said if it's going to be a continuous thing, do you have some way of putting something under the vehicle? More significant than cardboard can soak up and do you have an area that is locked up for you or do you just figure 10 spaces?

Justin Tater said it's marked out with two pieces of wood.

Victoria Pallozzi said it abuts up to L & M storage area.

Wayne Johnson said L & M does not control anything they store.

Stephanie Leonard said she does not know the answer is, but it's definitely not something we want to see along 9 & 20. It's unsightly.

Wayne Johnson asked Stephanie Leonard if there is anyway they can mitigate her concerns.

Stephanie Leonard said its control of the junk cars.

Victoria Pallozzi said they are not that busy.

Wayne Johnson asked if the area was fenced in?

Stephanie Leonard said yes, a fence would help. The fluids also leaking is probably just as big a concern and unsightly.

Chairwoman Mayrer said the reason this all came up is because of the issue of disposing the cars. How do we do that?

Justin Tater stated that Sunnyside garage had indoor storage and they do not have that option. They both also work full-time jobs and the hours they work are less.

Stephanie Leonard said she knows its necessary occupation, but she does not want to see the cars on 9 & 20.

James Shaughnessy asked what are we trying to accomplish here. It is a special permit, are we renewing an existing permit or creating a new one?

Chairwoman Mayrer said this is their first time in front of the board.

James Shaughnessy said so a new permit under a new business.

MOTION FOR LEAD AGENCY

Shaughnessy moved, D'Angelo seconded the motion to be lead agency.

4 Ayes. 1 Noes. Motion carried.

Ayes: , Mayrer, D'Angelo, Johnson, Shaughnessy

Oppose: Leonard

Chairman Mayrer said she is going to seek advise from Counsel and you will come back next meeting.

Wayne Johnson said look into some way of hiding the vehicles behind the building.

James Doyle owner of Eliete Wheels stated there is only one lane behind the building and no place to store anything.

Wayne Johnson said he was thinking of options.

Chairwoman Mayrer said in the meantime we can go out and take a look.

Site Plan / Special Permit

Caleb Development LLC,
2625 Rt. 9J
Proposed - Lot Line Adj

2024-7/RA/177.-7-2.21 & 2.23

Frederick Haley Land Surveyor was present for the meeting.

Fed Haley stated they have a previously approved subdivision, and they would like to adjust a lot line 1/10 of an acre.

Chairwoman Mayrer said lot 1 added to lot 4 for the setbacks.

Fed Haley said they are moving 20 feet further away from a concrete foundation. The area changed from 78.13 to 78.00 for 6.72 to 6.85 so lands moved to lot 1 are 0.13 acre.

Wayne Johnson asked who the owner of lot 1 was?

Fed Haley said the lands are owned by a company Caleb Development.

Wayne Johnson said that is not on the map.

Fed Haley stated Caleb owns all the lots and none have been sold.

Wayne Johnson asked if it's being transferred to itself?

Fed Haley stated yes.

Wayne Johnson said the plan should show who owns each lot. There is a lot shown on the map with no access. Is there an easement?

Fed Haley said they are owned by other people.

Wayne Johnson said is there an easement to lot 3?

Fed Haley stated it's a land locked piece of land not belonging to us.

Chairwoman Mayrer asked the members if they have any other questions.

MOTION FOR LEAD AGENCY

Shaughnessy moved, Leonard seconded the motion to be lead agency.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

MOTION TO CLASSIFY ACTION AS A TYPE II ACTION

D'Angelo moved, Leonard seconded the motion for a negative declaration on this unlisted action.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

APPROVAL FOR THE LOT LINE ADJUSTMENT

Shaughnessy moved, Leonard seconded that the lot-line adjustment be accepted and approved. ***Upon the conditions Requested by the board and the submission of a map that clearly defines what the board has requested and the approval of the easement language by the planning board attorney.*** A public hearing is not required. The property will be conveyed to the adjacent landowner and become part of that existing parcel.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

Site Plan / Special Permit

Norbut Solar Farm

2024-9/RA/178.-7-1-2& 189.-7.12.22

Reno Road

Proposed - Solar Farm

Victor Ciaccia and Shawn Donahue from Norbut Solar Farms were present at the meeting.

Victor Ciaccia stated they have done over 30 solar sites in NY state and over 1000 acres of land across the state. They deal with community distribution generation solar facilities. These are different facilities, as they hook into the distribution side of the utility grid. They are able to sell the power they generate on site to the community and areas that the power is produced in. The power is sold at a discount of 5% to residents within the community. His proposed facility is east of Reno Road and north of Winners Lane, it is 15 megawatts AC in size and is divided into 3 distinct solar sites. Pursuant to the town's zoning law they provided proof that they have reserved capacity on the utility grid. If any of this is redundant or not necessary, please stop he stated. Solar facilities as he knows require PD 2 zoning and that in with our application. There is also a request for a lot line adjustment for the current lot line between the two parcels that are under contract for purchase.

Wayne Johnson asked who the lot line is being transferred to?

Victor Ciaccia said they have an LLC that's part of the application. That is the entity that is the landowner. They own the land for all their solar facilities they do not lease the land.

Wayne Johnson said so its not a lot line adjustment where they transfer to another parcel?

Victor Ciaccia said no, there are currently two parcels, and they would just be moving the line to make the second parcel smaller. They are both owned by the same entity.

Wayne Johnson stated he believes that to be a subdivision and not a lot line adjustment. Would there be access to that parcel across to the solar field?

Victor Ciaccia said no that would not be contemplated. No access off Reno Road due to the topography.

Wayne Johnson stated they have a lot of frontage.

Victor Ciaccia said they do not see the frontage for solar use and down the line it may be use for some other use.

Wayne Johnson said but construction equipment going up Winners Lane is okay?

Victor Ciaccia said their intent was to use Reno Road but that was not the case with the topography. He believes it's a lot line adjustment and disagrees with Wayne Johnson as it doesn't create a new lot its staying two lots just making one bigger.

Wayne Johnson stated it is a stretch but okay.

Richard Laberge said the issue of access, going through the residential neighborhood. You are going to have to show how you cannot mitigate that impact. Looking for ways off reno road will be preferred.

Victor Ciaccia said he understands and will confer with the engineers again and see what is possible.

Richard Laberge said submit that with why you cannot come off Reno Road then the analysis could proceed.

Victor Ciaccia said it was not a decision made lightly.

Chairwoman Mayrer said when you go to public hearing that will be a big deal.

Victor Ciaccia said in the past in communities they are more than happy to work with the landowners.

Chairwoman Mayrer said also be prepared to discuss the return back to the community.

Victor Ciaccia said it is actually simple it's any national grid subscriber that's not subscribed to a renewable energy project.

Chairwoman Mayrer said what's the distance? 5-10 miles.

Victor Ciaccia said distance is not an issue, because national grid and the utility services determine that is based on a crediting system, so as long as you are in the same grid zone designation as the project.

Richard Laberge states in terms of existing land its open as he recalls. Asked if there will be tree removal?

Victor Ciaccia said anything in the perimeter, it's in the EAF the intent was to keep existing vegetation in the buffer area to mitigate the visual impacts.

Richard Laberge said what are you proposing in terms of open space.

Victor Ciaccia noted that there are a few areas that will be within the 200 foot setback and also some utility improvements.

Richard Laberge said the board considered the fence line the beginning of the facility. So, you may have some intrusions.

MOTION TO DECLARE THE APPLICATION NOT COMPLETE AT THIS TIME TO GO TO ENGINEERING

D'Angelo moved, Leonard seconded the motion to declare the application not complete at this time and go to engineering.

5 Ayes. 0 Noes. Motion carried.

Ayes:, Mayrer, D'Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

ADJOURN

Leonard moved, Shaughnessy seconded that the Planning Board meeting be adjourned.

There being no objections, Chairwoman Mayrer adjourned the meeting at 9:04p.m.

Respectfully submitted,

Melissa Knights, Director Planning and Zoning

Erika Pratt Assistant to Planning - Zoning & Building