



**PLANNING BOARD MINUTES**  
***VIRTUAL -WebEX***  
**June 16, 2020**

C. Howard Post, Chairman, opened the meeting at 7:30 p.m.

Present: C. Howard Post, William Creen, Ken Goldberg, Carole Furman, Len Bouren, Mike Tiano, Daniel Ellsworth, Robert Hlavaty (alternate) and Dan Shuster (Planner), Adriana Beltrani (Town Planner, NPV).

The draft minutes of the May 13, 2020 Special Meeting and the May 19, 2020 Planning Board Meeting were reviewed. A motion was made by Goldberg, seconded by Bouren, to approve the May 13, 2020 Special Meeting minutes and the May 19, 2020 Planning Board Meeting minutes. Board Vote: Post-Aye, Tiano-Aye, Ellsworth-Aye, Hlavaty-Aye, Furman-abstain from the May 13, 2020 minutes/Aye for the May 19, 2020 minutes, Creen-Aye. Motion carried.

**PUBLIC HEARINGS**

NONE

**OLD BUSINESS:**

**1. Site Plan Amendment, Kiniry West, LLC/Kim Kiniry, 1740 Route 212.** Shuster-a revised site plan was received eliminating any activity on the adjacent site. There will be extensive landscaping/screening of activity. The stockpiles will consist of 2 small-defined areas with enclosures not to exceed 6' in height. Will require more detail regarding the construction of the enclosures as we move forward with the site plan review. The vehicle storage areas have been eliminated. There will be relatively low levels of illumination, no lighting will be installed on the rear wall of the building, illumination will be 0 on the rear of the building facing the neighbors. A memo was received from the owner/applicant outlining various conditions and ground rules to be included on the site plan or as conditions of the resolution. Regarding SEQR determination, two additional layers of information have been submitted. One from the NYS Office of Parks, Recreation and Historic Preservation stating that there is no impact on historical or archeological resources by this project. A "Threatened and Endangered Species Habitat Suitability Assessment Report" was received from Michael Nowicki stating that would be no adverse effect on the potential habitat of the Indiana bat as a result of the proposed activities. A letter was received from the applicant's lawyer, Mike Moriello, regarding lawful segmentation and the Town's Lawyer, George Redder concurred. Post-UCBH approval? Shuster-Ulster County Board of Health (UCBH) has reviewed the site plan but any approval would not go into effect until the Planning Board

approves the site plan. The site plan is in order to move forward with a public hearing. Prior to the public hearing opening SEQR Negative Declaration will have to be approved. Will supply the Board with a “Draft” Negative Declaration prior to the July meeting for review so that any changes and approval may be made at that meeting.

A motion was made by Goldberg, seconded by Tiano, to set the public hearing for the July 21, 2020 Planning Board meeting. Board Vote: Post-Aye, Ellsworth-Aye, Hlavaty-Aye, Furman-Aye, Creen-Aye, Bouren-Aye. Motion carried.

## **2. Site Plan Amendment, Agawam/Wyldwyck LLC, NYS Route 32/Liberty Street.**

Tiano-recused himself. Beltrani-had a discussion with Mike Moriello, applicant’s lawyer, regarding comments related to site plan, would like more detail on the comparison, Long Form EAF updated with agricultural data statements. SEQR review will require a sense of limits of disturbance, including grading and drainage. Would like a letter from the Town Engineer signing off that proposed plan is acceptable. Would like Part II for next meeting completed to ensure that it captures the pest management and less use of fertilizers, as this is proposed as organic. Moriello-spoke with Bruce Utter, engineer, regarding grading and drainage and he will reach out to the Town Engineer to discuss. Comparative analysis will be completed by Fariah (consultant). Applicant hired Amy Hepworth, agricultural specialist, to ensure the organic guidelines are followed. Utter-square footage that was provided with disturbance was the footprint of the buildings, not the total square footage of the actual buildings, as that is the area of disturbance. The applicant is not changing the total area of disturbance as far as the footprint of the buildings that was previously approved. Beltrani-will require a floor plan of the buildings to ensure the square footage matches up. Clarification in narrative. We can speak after the meeting if the Board is ok with that. Post-of course. Utter- visual assessment was done with the previously approved site plan, would like to use that as the applicant is making the building 10’ lower, as it will go into the ground further. Friedman (applicant)-we wanted to create less of a visual impact by lowering the building into the ground. Tiano-requested that he be able to address some concerns that the Fire Department has. Post-yes. Tiano-read the letter that he submitted with concerns:

- Road width is changing in some areas which will make it hard for fire trucks to go around the perimeter, requiring additional fire hydrants.
- Cabin area turn around for emergency vehicles is necessary
- The northern end tent is not accessible at all any fire apparatus.
- Will the cabins include kitchens

The fire department will start discussions regarding their budget for the 2021 physical year next month and would like to be able to address the necessities needed to ensure adequate equipment for this project. Moriello-would like to comment that Mike Tiano has recused himself from this application review and therefore should not be participating in these discussions. Nor should he be the spokesman for the Fire Department. The Chief of the department should address these issues to the Board. Goldberg-that may be so but these are great concerns and should be answered. Friedman-will address the comments, as they should be. Utter-would like the Board’s decision on the visual assessment? Does the applicant need a new one or can the previous one be used?

Post polled the Board: Goldberg-do not think that we need a new visual as the updated site plan is less distracting and less visual. Post-Concur with Goldberg. Tiano-good with the way it is as long as it is done right, less of a visual impact for sure. Ellsworth-use the one from the previous approved site plan. Hlavaty-concur with Goldberg. Furman-concur with Goldberg. Creen-concur. Bouren-Concur. Utter-no updated visual assessment required then. The proposed site plan is less impact in reference to the SWPPP. Does the Board agree? Post-Polled the Board: Goldberg-agree w/Utter that this is less impact but be sure that emergency vehicles and personnel will have the adequate access necessary. Tiano-like the design, just concerned with emergency vehicle access issues. Agree that this is less impact. Ellsworth-agree less of a SEQR impact/ positive changes. Hlavaty-good, concur. Furman-Concur. Creen-Concur. Bouren-Concur. Post-Concur, impact is far less. Utter-will sit down with the Town Engineer to discuss the amended site plan impact. Moriello-who would the Board like to complete the Part II? Post-the Town Planner, Adriana Beltrani. Beltrani-will complete the Part II and Negative Declaration and will provide a copy to the applicant for review as well as the Board for the next meeting. No further action can be taken by the Board at this time.

### **3. Site Plan/SUP, Sparling Road Solar/NY Solar 1000, LLC, Sparling Road.**

Presented by Andrew Varrow, Lightstar Renewables, LLC. Would like to go through the comments received from NPV, Adriana Beltrani. Have received a letter on Monday, June 15, 2020 from the Army Corps. of Engineers regarding wetlands located on the parcel. They are to perform a field survey on June 22, 2020. SHPO submission will happen as soon as those surveys are completed. The Agricultural Data Statement was submitted but will be done again. The decommissioning plan is in the works, contact has been made with the Town lawyer. Will provide restoration of wetlands and will be done as required by the Army Corps. of Engineers. Will remove any structures and plant wetland vegetation where required. If a compensation of wetlands is required it will be included in the appendix. There will be no additional cost associated with the decommissioning. Would hope for a conditional approval that allows for an amendment regarding that stipulation if that is necessary. There will be .48-acres that will be disturbed and that will include the posts and roadway. Beltrani-just make sure that any documents that have been submitted after the submission date for this meeting are included in the packet for next meeting's review to ensure that they are reviewed and addressed accurately. There was no proposal of impervious surface. There is are no pollutants compared to any other usage of this parcel. Should have the calculation for gross area to be added to the site plan comments. Would like the exact seed mix that will be used. SWPPP? Varrow-awaiting the completion of the site plans and should have by the next meeting. Beltrani- the Natural Heritage response mentions the presence of the Indiana bat on site but the DEC Region 3 does not mention them in their letter. Varrow-the NOI did go to the DEC Region 3 with the completed EAF which indicated the possible habitat and they have not responded to that as of yet. Beltrani-there is a 30-day response period, which has not expired, if the DEC does not respond we may contact them for comment. Would like clarification on the noise levels, are they measured from the lot line? Varrow-they are measured from approximately 3 feet away from the invertors. Beltrani-the Board cannot act on SEQR until Lead Agency has been established but this would be considered a Type I. We can submit to the UCPB.

Varrow-would like to request that a possible approval be made with the condition of the Army Corps. of Engineer approval, when that time comes.

A motion was made by Furman, seconded by Tiano, to submit to the Ulster County Planning Board, as required. Board vote: Post-Aye, Goldberg-Aye, Ellsworth-Aye, Hlavaty-Aye, Creen- Aye, Bouren-Aye. Motion carried.

**4. Site Plan Amendment, ELP Myer/Doug Myer, 18 Warren Myer Road.** Presented by Wendy DeWolf, East Light Partners. The project was previously approved but has received an updated study from Central Hudson requiring the solar project to downsize from 3MW to 1.9MW. This will make the impact less, there will be a similar footprint just spaced out more. There will be fewer invertors. The project will still meet all required setbacks. A wildlife fence will be installed and sound levels will all be the same as previously approved. The Short EAF form was submitted. The disturbance area of .87-acres has not changed and there will still be .11-acres of impervious surface. Beltrani-notes will need to be added to the site plan indicating the wildlife fence and decibel levels. Since the SUP has not expired the Board can move forward without a public hearing. A negative declaration will have to be approved.

A motion was made by Furman, seconded by Goldberg, to approve a negative declaration. Board vote: Post-Aye, Tiano-Aye, Ellsworth-Aye, Hlavaty-Aye, Creen-Aye, Bouren-Aye. Motion carried. A motion was made by Post, seconded by Furman, to approve the site plan amendment with the addition of the notes of the wildlife fence and decibel levels, payment of outstanding fees and signatures as required. Board vote: Ken-Aye, note that question #1 on EAF is incorrect-DeWolf-will update, Creen-Aye, Tiano-Aye, Ellsworth-Aye, Hlavaty-Aye, Bouren-Aye. Motion carried.

**4. Site Plan Amendment, Roderick Martin/Solar Generation, LLC, 209 Lauren Tice Road.** Vicki Weaver, Solar Generation presented. The applicant is downsizing the solar project. In response to the Town Planner, Adriana Beltrani's comments:

- A narrative will be submitted with the final site plan. The land is being leased from the owner, Roderick Martin.
- The project was initially a pivot panel project but will now be stationary.
- Will add a note of sound levels and landscaping to the site plan.
- A new updated EAF submitted.

Beltrani-this is considered an Unlisted Action under SEQR. The SUP has not expired so the Board can move forward without a public hearing. Disturbance/SWPPP? Schrowang (Solar Generation) SWPPP is not required, total disturbance is less then an acre. Goldberg-definitely a decrease in size, reason? Schrowang-same concept as the applicant before us and we are going from a 2.4MW to a 295kW.

A motion was made by Goldberg, seconded by Furman, to declare this an Unlisted Action under SEQR. Board vote: Post-Aye, Tiano-Aye, Hlavaty-Aye, Creen-Aye, Bouren-Aye, Ellsworth-could not hear. Motion carried. A motion was made by Goldberg, seconded by Furman, to approve a Negative Declaration. Board Vote: Post-Aye, Tiano-Aye, Ellsworth-could not hear, Hlavaty-Aye, Creen-Aye, Bouren-Aye. Motion carried. A motion was made by Post, seconded by Furman, to approve the site

plan amendment with the conditions of including notes on the landscaping and decibel levels on the site plan, payment of outstanding fees and signatures. Board vote: Goldberg-Aye, Ellsworth-could not hear, Tiano-Aye, Hlavaty-Aye, Creen-Aye, Bouren-Aye. Motion carried.

### **PRE-HEARING CONFERENCE**

**1. Site Plan, ImmuneSchein, LLC, 1776 Route 212.** Presented by Corrina & Jason Geib, owners. Currently have a ginger elixir company that would like to move into the old Fiberflame Building on Route 212. Would be selling the elixirs and handcrafted baked goods. Everything will remain the same as it did with the previous retail business and there will be no changes to the exterior of the building except a sign, which only requires a permit from the Building Department. Will be renovating the second building in the future but not at this time. Understand that when that is done we will need to come before the Planning Board again for a Site Plan approval. The second building will be used for manufacturing of the elixirs. Post-will there be a parking difference for the retail? Geib-no as we will be providing the same type of retail as the last company that was here. There are currently 35 parking spots, 17 of which are marked and paved. We plan on adding an office space and storage as well. Beltrani-upon review there does not seem to be a change in use and therefore will only be required to come back before the Board when renovating the second building. This seems to be a Building Department issue for building permits only at this time. No action is required by the Planning Board.

### **ADJOURNMENT:**

Since there was no further business to discuss, a motion was made by Bouren, seconded by Furman, to adjourn the meeting at 9:12 p.m. Vote was taken: Post-Aye, Goldberg, Aye, Tiano-Aye, Ellsworth-could not hear, Hlavaty-Aye, Creen-Aye. Motion carried.

Respectfully Submitted by,

Becky Bertorelli  
Planning Board Secretary