

OFFICE OF THE PLANNING BOARD

Town of Schaghticoke
November 6, 2019

PUBLIC HEARING

7:30 P.M. **Smith Subdivision (Tax Map # 61-2-11)**. Brian Holbriter, land surveyor, appeared to propose the two lot subdivision of a 12.46± acre parcel into a 5.43± acre lot with an existing residence and a 7.03± acre lot located in an R district at 268 Mineral Springs Road. There was no public comment. The public hearing was closed at 7:32 pm.

Patterson Timber Harvest (Tax Map # 21-1-4.111 & 21.-1-4.112). Richard St. Amand appeared to propose the harvesting of timber on 2 parcels of property owned by Stuart Patterson and located in an RA district at 98 Brown Road. Mr. St. Amand stated that the purpose of the harvest is to push back forest edge growth that is encroaching into the cultivated cropland and to encourage rejuvenation of remaining woodland. Approximately 15 MBF of log material and roughly 60 cords of wood are expected to be produced by the harvest. There was no public comment. The public hearing closed at 7:43 p.m.

Hamilton Subdivision (Tax Map # 12-2-13.133). The applicant, Virginia Hamilton, appeared to propose a two lot subdivision of property measuring 31± acres into a 2± acre lot with an existing dwelling and a residual 29± acre lot. Ms. Hamilton stated that she intends to keep the existing residence with the 2± acres and sell the residual property.

Jackie Stellone asked to see the survey map detailing the subdivision. Ms. Hamilton furnished the answers to Ms. Stellone's questions with regard to the property and its location. The public hearing was closed at 7:38 p.m.

REGULAR MEETING

7:38 P.M. Members present were: Chairman Frank Alessandrini, Wayne Akin, Dan Clow, Brian Davidson, Elizabeth Hale, Robert Weir and Scott Wiley.

The minutes from the October 2, 2019 meeting were reviewed. Scott Wiley made a motion to approve the minutes as submitted. Wayne Akin seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley

Nays: None

Sunshine Acres Subdivision (Tax Map #61.-1-9). Chairman Alessandrini noted that the Kehn application for a 3 lot subdivision, known as Sunshine Acres, and located at the corner of NYS Route 40 and Calhoun Drive, received preliminary approval in June of 2018. Chairman Alessandrini noted that RCHD approval for the subdivision has been granted and that the requested note has been added to the map, indicating that there is an active farm adjacent to the subdivision. In addition, Mr. Alessandrini stated that the driveways were reconfigured to the satisfaction of the Board and that the applicant is seeking final approval of the 3 lot subdivision.

Wayne Akin made a motion to extend the period of time beyond the limited period of one year to allow final approval. Brian Davidson seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley

Nays: None

Wayne Akin made a motion to grant final approval. Elizabeth Hale seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley

Nays: None

Clement Small Engine Repair Special Use Permit (Tax Map # 71.9-3-19). Amanda Phelps, applicant, and Chris Marcella, architect and NYS Code Enforcement Officer, appeared. Dan Clow recused himself due to a personal conflict of interest. Mr. Marcella explained that he had been retained by the applicants to examine the NYS Building Code fire protection provisions codes applicable to the Clement/Phelps application for a special use permit to operate a small engine repair business located in their attached garage at 30 Milkyway Road in a Hamlet zoning district. Mr. Marcella stated that, according to the fire code, the residence is classified as R3 occupancy. He believes that the attached garage, as a workshop for repair that excludes vehicle repair, is considered F1 (Factory 1). Mr. Marcella stated that a fire *wall* is not necessary for an F1 classification and that a 2 hour fire *barrier* is required. In addition, Mr. Marcella stated that he was unaware of the composition of the interior garage wall.

Ms. Phelps stated that she had asked the Building Inspector to appear at the proposed site, but that, to date, he had not visited.

Frank Alessandrini stated that the Board, to grant a special use permit, must determine whether the use is appropriate for the character of the neighborhood and that the fire safety issue, codes, and regulations would be addressed by the Building Inspector.

The Board discussed granting the special use permit for a limited duration of time and consulted with Deputy Town Attorney Kristin Pratt with regard to the matter. Attorney Pratt advised, on the basis of case law, any duration imposed on the special use permit would be subject to judicial review and possible invalidation based upon the fact that the Town Zoning Code does not expressly provide for durational special use permits.

Additionally, a possible result of any judicial review on this basis could be the invalidation of the durational condition and maintenance of the remainder of the permit and conditions. However, the Board concurred unanimously to consider granting the special use permit for a period of two years with conditions for parking, storage of business items, hours of operation, and screening and noted that the durational

condition was one suggested by the applicant and acceptable to the Board, regardless of the legal viability.

The Board previously issued a negative declaration under SEQRA.

Brian Davidson made a motion to approve the application for a Special Use Permit with the following conditions:

1. The Applicant is required to obtain all necessary and appropriate approvals and or permits from all Town, County, State and Federal agencies.
2. The project must comply with all requirements of the New York State Uniform Building Code.
3. The special use permit is limited in duration for a period of two (2) years from the date of issuance. The Applicant and the Town will enter into an agreement confirming the two-year duration.
4. All business materials, including but not limited to equipment to be repaired as well as tools and other equipment used to complete repairs and business operations must be shielded from public view at all times by being placed inside the residence, inside the garage or behind the existing privacy fence in such a location that such items are not visible to neighbors or from the street. No storage of business-related materials or equipment is permitted in the driveway, the front yard or the side yards.
5. The existing Project site has a 6' tall privacy fence. If the existing fence needs to be replaced during the duration of the special use permit, it will need to be replaced with a similar privacy fence of at least the same height in approximately the same location.
6. On-street parking for Project business and customers is prohibited. The Applicant is required to ensure that all business parking and loading is completed in the existing driveway.
7. Hours of operation will be limited to 10 a.m. to 6 p.m. on Monday through Friday and from 10 a.m. to 4 p.m. on Saturday

Brian Davidson made a motion to grant final approval for the Special Use Permit and site plan review with the above conditions. Robert Weir seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley

Nays: None

Herkert Properties Subdivision (Tax Map # 12-2-13.133). Brian Holbritter, land surveyor, appeared to provide the Board with an update regarding a two lot subdivision of an 11.40± acre parcel located in an RA district on the northwesterly side of Hayes Road. Mr. Holbritter stated that he is waiting for RCHD approval. He added that he expects that he will have RCHD approval, as well as surveys showing re-configuration of the driveways by the December meeting.

Hamilton Subdivision (Tax Map # 12-2-13.133). The applicant, Virginia Hamilton, appeared to propose a two lot subdivision of property measuring 31± acres into a 2± acre lot with an existing dwelling and a residual 29± acre lot. Ms. Hamilton stated that

she inherited the dwelling and property from her mother and that she intends to keep the existing residence with the 2± acres and to sell the residual vacant property. A check for the application fee of \$180.- was received.

Since there is a septic system and a well and no additional approvals are required, Wayne Akin made a motion to issue negative declaration under SEQRA. Scott Wiley seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley

Nays: None

Dan Clow made a motion to grant preliminary approval. Robert Weir seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley

Nays: None

Robert Weir made a motion to grant final approval. Scott Wiley seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley

Nays: None

Rupert Smith Subdivision (Tax Map # 61-2-11). Brian Holbritter, land surveyor, appeared to propose the subdivision of a 12.46± acre parcel into a 5.43± acre lot with an existing residence and a 7.03± acre lot located in an R district at 268 Mineral Springs Road. Mr. Holbritter stated that Mr. Smith's daughter intends to purchase the dwelling and 5.43± acre lot. A check for \$180.- was received.

Scott Wiley made a motion to issue negative declaration under SEQRA. Dan Clow seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley

Nays: None

Wayne Akin made a motion to grant preliminary approval.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley

Nays: None

Since there is a septic system and well and no pending approvals, Dan Clow motioned to grant final approval. Scott Wiley seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley

Nays: None

Herrington Solar Farms (Tax Map#41.-1-96). Deputy Town Attorney, Kristin Pratt, recused herself, as Eden Renewables is a client of Young Sommer, LLC. Owen Speulstra, P.E., of Environmental Design Partnership, appeared to provide the Board with an update with regard to the proposal for a solar farm to be located on a 120 acre parcel in an RA district at 33 Bracken Road, northwest of the intersection of Bracken Road and NYS Route 40. The solar farm is proposed to occupy 32-35 acres and will be located 1,000' off the road. Two hundred thousand solar panels are proposed and will be 8 ½' off the ground. Gillian Black, Director of Project Development, and Giovanni Maruce of Eden Renewables were present.

Mr. Speulstra displayed visual studies of the proposed site from four viewpoints -one on Bracken Road and three along NYS Route 40. An updated packet containing further

visual studies, including images of the site with the screening of blue spruce illustrated from a period of 5 to 25 years after planting (reaching from 12'-40' high). In addition, Mr. Speulstra displayed an aerial illustration of screening showing mixed foliage, blue spruce, shrubbery and deciduous trees to provide biodiversity for wildlife and to create a more natural effect. Mr. Maruce added that studies were done to determine the visual effect at 48", the height of the average car window; he projects that the proposed hedges would be above the eye level of a driver.

Chairman Alessandrini stated that he received an e-mail from the Melrose Fire Chief who requested a meeting with the Planning Board to review the proposal for fire safety. Mr. Maruce requested information with regard to the application sequence and process. In response, Chairman Alessandrini noted that a 239 review would be submitted to Rensselaer County, and that the Board would need to hire an attorney and an engineer to review the application and that escrow would be required. A public hearing may be held in January.

Stillwater Renewables Solar Farm (Tax Map # 22-1-7.1). Dallas Manson, Business Development Representative for Nexamp, Inc., appeared to present a proposal for a solar farm located in an RA district on Stillwater Bridge Road across from the Schaghticoke Fairgrounds. Ms. Manson has been in touch with the property owners, brothers Clifford and Gary Viall, who intend to subdivide the 140 acre parcel prior to the development of the property. The adjacent property is owned by a farmer who currently grows crops on his land. There is a canopy of trees screening the site with existing access to Stillwater Bridge Road. The proposal will not cause any increase in traffic and no alteration to the crossing that is currently used for ingress and egress to the property from Stillwater Bridge Road. Ms. Manson added that there will be no need for permits from the Army Corps of Engineers or DEC, that there will be co-ordination with the fire department and that Nexamp will hire contractors for the construction phase which includes an 8 ½' farm fence surrounding the project. The applicant will notify the NYS Department of Agriculture and Markets, will coordinate with National Grid and will seek a driveway permit for the project from Rensselaer County (since Stillwater Bridge Road is a county route).

Bill Sparkman, engineer, addressed the stormwater concerns with the Board. Mr. Sparkman stated that the water run-off from the gravel road, that provides access to the project, will be conveyed to a treatment system – a basin that will allow the water to percolate down. Run-off will spread off, between and under arrays. Culverts and swales will be added for the benefit of the adjacent farmland. SPDES will be prepared by the applicant. Additionally, Mr. Sparkman stated that the property will be mowed a few times per year and that the system will be monitored 24/7. The lease for the project is proposed for 25 years.

Chairman Alessandrini noted that lead agency status needs to be established and that escrow would be required.

Scott Wiley made a motion to declare intent by the Planning Board to assume lead agency under SEQRA. Dan Clow seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley
Nays: None

Patterson Timber Harvest (Tax Map # 21-1-4.111 & 21.-1-4.112). Though Richard St. Amand was present for the public hearing; however, he left the Town Hall before the Board began the regular meeting. The Board agreed that the application was sufficiently reviewed and that it would be appropriate to move ahead with the application. Brian Davidson made a motion to issue negative declaration under SEQRA. Waye Akin seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley
Nays: None

Wayne Akin made a motion to grant final approval for a timber harvest permit. Scott Wiley seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley
Nays: None

Dan Clow made a motion to permit the Planning Board to seek the status of lead agency for the Herrington Solar Farm application. Brian Davidson seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley
Nays: None

The Board discussed hiring engineering firms for both the Herrington Solar Farm and Stillwater Renewables projects. The Board agreed to hire Laberge Group to review the Stillwater Renewables, LLC project and Lansing Engineering to review the Herrington Solar Farm application.

Wayne Akin made a motion to adjourn the meeting at 9:13 p.m. Scott Wiley seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley
Nays: None

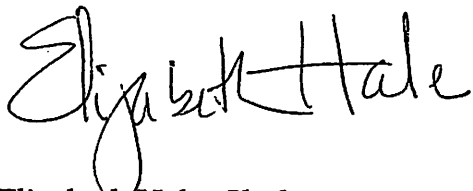
Abbreviations

HD – Hamlet District
MBF – Million Board Feet
NYS – New York State
RA- Residential/Agricultural District

RCHD – Rensselaer County Health Department
SEQRA – State Environmental Quality Review Act
SPDES – State Pollution Discharge Elimination System
SWPPP – Stormwater Pollution Prevention Plan

Respectfully submitted,

date: December 21, 2019



Elizabeth Hale, Clerk,
Planning Board, Town of Schaghticoke