

OFFICE OF THE PLANNING BOARD
Town of Schaghticoke

November 4, 2020

The Planning Board met, in accordance with the Governor's Executive Order 202.1, as updated, via videoconferencing/ teleconference utilizing the Zoom Application on Wednesday, November 4, 2020.

Kristin Pratt, Deputy Town Attorney, explained the Zoom Application. Attorney Pratt stated that the meeting was being recorded, would be available on the website and would be later transcribed. In addition, Atty. Pratt stated that minutes were being taken. Atty. Pratt added that the chat feature was available for assistance with technical difficulties and that e-mail could also be used, should the chat feature not work. In addition, Atty. Pratt emphasized that public comments were better expressed orally than through the chat feature in an effort to capture all public comments in a format that can be preserved.

PUBLIC HEARING

7:40 P.M. Fane Special Use Permit (Tax Map #61.-1-16). Chairman Frank Alessandrini read the Notice of Hearing. Mark Danskin, land surveyor, appeared to represent the applicant, Warren Fane, who is proposing to construct a second principal residential dwelling on a 6.09 acre parcel located in a Highway Commercial zone at 475 NYS Route 40, on the westerly side, and across from Warren Lane. A map of the Property was displayed. There was no public comment.

REGULAR MEETING

Members present were: Chairman Frank Alessandrini, Wayne Akin, Dan Clow, Brian Davidson, Robert Weir, and Scott Wiley. Elizabeth Hale was absent.

Deputy Town Attorney, Kristin Pratt was present. In addition, there were interested residents and representatives who appeared through Zoom.

The minutes from the October 21, 2020 meeting were reviewed. Scott Wiley made a motion to approve the minutes as submitted. Dan Clow seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Wiley

Nays: None

Abstention: Weir

Northline Drive Solar Farm (Tax Map #41.-1-27.21). ReJean DeVaux, civil Engineer, Borrego Solar Systems, appeared to propose a 4 megawatt solar project to be located on 18.4± acres of a 37.18± acre parcel, owned by Julie Todd, in an RA district off Northline Drive. The property wraps around from Northline Drive to intersect at NYS Route 40 where a 20' access road is planned. Mr. DeVaux provided the Board with an update on the project, including visual simulations of the proposal. In addition, modifications were made to the originally submitted plan to increase the buffer zones from both Matala and Northline Drive to a minimum of 165'. Evergreens, such as 6'-7' spruce and red cedar, are proposed to be used for screening rather than a combination of deciduous and evergreen trees. The species of trees are expected to grow at a rate of 3'-5' each year. Mr. DeVaux noted that he had received a letter with concerns from the Board's engineer and consultant, Jason Dell, Lansing Engineering. Mr. DeVaux stated that he felt the concerns were minor.

In addition, Mr. DeVaux stated that a new panel design had been created, allowing more space from the initial panel layout to the residences, but the plans were not ready in time for the meeting for distribution to each of the Board members.

Visuals were presented from the point with the greatest impact, Bracken Road; the back of the panels can be seen from the 20' easement off NYS Route 40. Additional plantings are being proposed to increase the buffer from that visual point. Additional visuals were presented from Matala Drive and a visual simulation from Northline Drive where in 5 years time, the visual impact will be totally mitigated and the panels will not be seen. Mr. DeVaux noted that there is a 3.5' DOT site line along NYS Route 40.

Chairman Alessandrini asked if all of the property, not including the wetlands, was used for the project. ReJean DeVaux replied that the project hugged the wetlands as closely as possible. Mr. DeVaux added that both the Army Corps of Engineers and DEC visited the site.

Brian Davidson asked how many acres would be used for panel coverage. Mr. DeVaux replied that there would be 17 acres in total.

Jason Dell remarked that this is the first time both he and the Board have viewed the visuals and that a significant step had been undertaken to consider the neighbors' concerns. In addition, Mr. Kondrat noted that mitigation efforts may be needed to address stormwater concerns.

Atty. Pratt stated that a response from Rensselaer County Planning was received and that the county expressed approval with the plans that were submitted.

It was noted that the Fire Marshall and the Building Inspector will receive copies of the revised plans and that copies of the plans will be available in the Town Clerk's office at the Town Hall.

Verbeck Community Solar Expansion (Tax Map #41.-1-96). Patrick Mulkern, senior

project engineer, Maser Consulting, Forefront Power, Brian Maliszewski, applicant, Forefront Power and Dan Farnan appeared to present an update on the proposed West Wind Farms Solar Expansion (AKA Verbeck Community Solar Farms) to add a 3.5 megawatt facility to the existing 2 megawatt facility located in an RA district on a 14.6 acre parcel located on Verbeck Avenue and owned by James Czub. The application is for both a subdivision and Special Use Permit. It was stated that SHPPO was completed in the past, but will need to be addressed again. A change from the preliminary plan with regard to the access road was noted. The road will be shifted further north to accommodate the four National Grid interconnecting poles which are required to be kept separate from the old interconnection which is located at the road entrance.

Atty. Pratt received a question through the chat feature. The person wanted to know what color the panels are planned to be. Mr. Mulkern replied that the panels would match those of the initial solar farm, that they would have a black sheen and that the racking would be galvanized.

With regard to the SEQRA review, it was noted that since both application for a Special Use Permit and a subdivision is requested, a negative declaration of environmental significance under SEQRA is required prior to scheduling and holding the public hearing.

A discussion was held by the Board with regard to hiring an engineering consultant to review the West Wind Farms application. The Board agreed to hire Laberge.

The application, long form EAF, Agricultural Data Statement and the application fee was received.

Atty. Pratt stated that she would prepare and send out the coordination letter to request that the Board act as lead agency under SEQR.

Fane Lot Line Special Use Permit (Tax Map #61.-1-16). Mark Danskin, land surveyor, appeared to represent the applicant, Warren Fane, who is proposing a residence on a newly created 6.09 acre lot with an existing dwelling located in a Highway Commercial District at 475 NYS Route 40, opposite Warren Lane. Application for a Special Use Permit to allow a residence to be built within a HC district and to allow two principal residences on a single parcel was submitted. The survey shows that all Zoning Code setbacks are met: the house is planned to be 90' off the road, 80' from the tree line and the 3 acre density is met. Mr. Danskin stated that Mr. Fane would like to build a larger dwelling without razing the existing residence.

Brian Davidson made a motion to issue a negative declaration of environmental significance under SEQRA for the special use permit. Wayne Akin seconded.

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

Nays: None

Wayne Akin made a motion to grant the Special Use Permit to construct a house in a HC district with an existing residence on the same parcel. Dan Clow seconded.

An application fee of \$125. is due.

Kyea Accessory Apartment (Tax Map # 61.1-2-11.12). Mr. Kyea sent an e-mail to Chairman Alessandrini related to his proposal to build a second home, a one story

construction on a slab and measuring, 730 square feet, at 19 Rice Mountain Place on a 4.82 acre parcel where there is an existing home. The proposal is planned to function as an accessory apartment, secondary to and separate from the existing residence. The Board reviewed and discussed the proposal. Chairman Alessandrini stated that the proposal does not meet the Zoning Code requirements for an accessory apartment, as it is not attached to the main residence nor is the proposed apartment designed to be located within an accessory structure. In addition, a second home, though smaller than the principal structure, would be located on less than 6 acres and does not meet the density requirement. It was suggested that one option is for the landowner to submit an application to the ZBA for an area variance in order to meet the density requirements of the Zoning Code.

Brian Davidson suggested that the Planning Board might consider reviewing an application for the proposal in order to maintain flexibility with the regulations. In addition, he stated that the Board could require architectural integrity, and that he did not believe that, given the expense of constructing a dwelling, that the town would be overrun with similar requests.

The Board agreed that Chairman Alessandrini would advise the landowner of the option to seek a variance from the ZBA or alternatively, the landowner may submit an application to the Planning Board for a special use permit.

Skyline Drive Lot Line Adjustment (Tax Map #51.-2-8.21 and 51-2-8.3). Mark Danskin, land surveyor, appeared to represent Ed Vohnoutka who owns a 90' wide X 400' deep lot on the westerly side of Skyline Drive; the residence is 6.5' off the property line. Mr. Wells, the adjoiner to the south, is willing to transfer a .52 acre strip of land to Mr. Vohnoutka in order to create a 150' wide lot for Ed Vohnoutka. The application and EAF were received. The application fee of \$25. was not received. Chairman Alessandrini received the signed affirmation form from Mr. Wells, owner of 46 Skyline Drive. Dan Clow made a motion to approve the lot line adjustment. Bob Weir seconded. Ayes: Alessandrini, Akin, Clow, Davidson, Weir, Wiley
Nays: None

Hansen Road Campground (Tax Map #31.-2-39.12). Roger Clements, the potential applicant, did not appear. Mr. Clements reached out to Chairman Alessandrini with a preliminary proposal to establish a campground providing small self-contained cabins on a 36 acre parcel located off Hansen Road. Chairman Alessandrini attempted to reach him by phone, sent him a copy of the agenda via e-mail, but there was no response.

Dan Clow stated that he spoke with Town Supervisor Tim Salisbury and learned that the Town has opted out of the PILOT program for solar energy projects. He added that the decision may be overturned by the Town Board.

Brian Davidson made a motion to adjourn the meeting at 9:32 p.m. Wayne Akin seconded.

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

Nays: None

Abbreviations:

EAF – Environmental Assessment Form

HC – Highway Commercial District

NYS- New York State

PILOT – Payment In Lieu of Taxes

PB – Planning Board

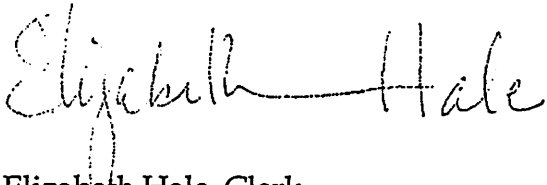
RA- Residential Agricultural District

SEQRA – State Environmental Quality Review Act

SWPPP – Stormwater Pollution Prevention Plan

Respectfully submitted,

date: December 7, 2020

A handwritten signature in cursive script that reads "Elizabeth Hale". The signature is written in dark ink and is positioned above the printed name and title.

Elizabeth Hale, Clerk,
Planning Board, Town of Schaghticoke