

OFFICE OF THE PLANNING BOARD
Town of Schaghticoke

January 6, 2021

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, January 6, 2021.

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.

PUBLIC HEARINGS

7:36 PM Gifford Subdivision (Tax Map #12-2-43). Chairman Alessandrini read the Notice of Hearing. Brian Holbritter, land surveyor, appeared, to propose the subdivision of 5.23 ± acres from a 49± acre parcel located on the westerly side of Bell Road near the intersection of Bell, Geary and Kardas Roads.

The applicant and owner of the property is Howard Gifford who would like to convey the newly created 43.96± acre parcel to a potential buyer. Mr. Holbritter stated that Mr. Gifford intends to retain the 5.23± acre parcel for agricultural purposes. There were no public comments. The hearing was closed at 7:47 p.m.

7:43 PM Fane Turner Road Subdivision (Tax Map #61.-1-14.12). Chairman Alessandrini read the Notice of Hearing for the application. Mark Danskin, land surveyor, appeared to present the application for a two lot subdivision from 63.73± acre parcel into two lots, a 56.35± acre lot and a 7.38± acre lot, located in an Ra district at the north westerly corner of Turner Road and NYS Route 40. There are plans to subdivide the remaining acreage into 6 additional lots. The applicants are Warren and Donald Fane. RCHD approval and a Permit to Construct were received. There were no public comments. The hearing was closed at 7:47 p.m.

REGULAR MEETING

7:47 P.M. Members present were: Chairman Frank Alessandrini, Wayne Akin, Dan Clow, Brian Davidson, Elizabeth Hale, Robert Weir, and Scott Wiley.

Deputy Town Attorney, Kristin Pratt was present. In addition, there were representatives for several applicants and members of the public who appeared through Zoom.

The minutes from the December 2, 2020 meeting were reviewed. Wayne Akin made a motion to approve the minutes as submitted. Scott Wiley seconded.

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

Nays: None

Gifford Subdivision (Tax Map #12-2-43). Brian Holbritten, land surveyor, appeared to present the application for a subdivision of 5.23 ± acres from a 49± acre parcel located on the westerly side of Bell Road near the intersection of Bell, Geary and Kardas Roads. The applicant and owner of the property is Howard Gifford who would like to convey the newly created 43.96± acre parcel to a potential buyer. Mr. Holbritten stated that Mr. Gifford intends to retain the 5.23± acre parcel for agricultural purposes. Septic design approval is not required, since the lot sizes are greater than 5 acres.

Brian Davidson made a motion to issue negative declaration of environmental significance under SEQRA. Elizabeth Hale seconded.

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

Nays: None

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

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

Nays: None

Dan Clow made a motion to grant final subdivision approval. Scott Wiley seconded.

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

Nays: None

Fane Turner Road Subdivision (Tax Map #61.-1-14.12). Mark Danskin, land surveyor, appeared to represent the applicants, Warren and Donald Fane, for an application to subdivide a 63.73± acre parcel into two lots, a 56.35± acre lot and a 7.38± acre lot (known as Lot A), located in an RA district at the north westerly corner of Turner Road and NYS Route 40. Mr. Danskin stated that there is a potential buyer for Lot A. There are plans to subdivide the remaining acreage into 6 additional lots, most are planned to run north and south, like Lot A; however, the additionally planned lots require further design layout as well as septic design. The short form EAF has been completed, in part by the NYS mapping application which shows that there are bald eagles nesting in the area. Mr. Danskin pointed out that he is unsure that the endangered eagles roam that far from the Hudson River. The short form EAF, RCHD approval and a Permit to Construct were received.

Wayne Akin made a motion to issue negative declaration of environmental significance under SEQRA for an 8 lot subdivision. Dan Clow seconded.

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

Nays: None

Scott Wiley made a motion to grant preliminary approval for the two lot subdivision. Elizabeth Hale seconded.

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

Nays: None

Since RCHD approval and a Permit to Construct were received for the two lot subdivision, Wayne Akin moved to make a motion to grant final approval for Lot A. Dan Clow seconded.

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

Nays: None

Tyler Fane Subdivision (Tax Map #61-1-20.12, -20.112, -20.116). On July 1, 2020 the Planning Board granted Tyler Fane a 6 month extension to allow the applicant time to satisfy the conditions for final approval for a proposed subdivision to be located in a Residential district off NYS Route 40, north of Irish Road. Preliminary subdivision was granted at the January 8, 2020 Planning Board meeting. Mark Danskin, land surveyor, appeared, submitted the RCHD approved septic system design and permit to construct, and requested final approval from the Planning Board.

Scott Wiley made a motion to grant final subdivision approval. Elizabeth Hale seconded.

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

Nays: None

Northline Drive Solar Farm (Tax Map #41.-1-27.21). ReJean DeVaux, civil

Engineer, PV Engineers, Borrego Solar Systems, appeared to propose a 4 megawatt solar project to be located on 17± acres of a 37.18± acre parcel, owned by Julie Todd, in an RA district off Northline Drive. The Board's engineer and consultant, Jason Dell, Lansing Engineering, was present. James Kondrat also appeared. The Board reviewed Part II of the EAF and addressed two items on page 17, that of visibility of the project to the neighboring residences and the public and impact upon property values.

Chairman Alessandrini stated that he had received revisions and comments from Mr. DeVaux and the review of SEQRA from Lansing Engineering today. The information was provided to the Board via e-mail prior to the meeting, but for some members, there was not sufficient time to review the information. However, Chairman Alessandrini reviewed the material with Mr. Dell prior to the meeting. Jason Dell suggested that the Board review the revisions and remarks and determine whether the photo simulations were sufficient to ensure that there is no impact on the character of the community or the surrounding residences. Mr. Dell added that currently comments from Mr. DeVaux with regard to the SWPPP have not been received.

Mr. DeVaux provided the Board with an update on the project, both cross

sections of the proposal, including the topography with the solar panels, using the Google Earth application, and a profile view from the 30 Matala Drive location. The profile view showed two positions of sight lines from 30 Matala Drive, the closer one (to the panels) being 165' from the front driveway and the furthest at a sight distance of 367'. Mr. DeVaux noted that the panels will not be on the side hill, but have been reconfigured to stop at the crest of the hill and that with the existing topography and trees only 3" of the panels will be in sight of 30 Matala Drive. Mr. DeVaux reminded the Board that evergreen trees, which grow at a rate of 3'-5' per year, will be planted as a visual buffer around the project where visibility is deemed problematic.

A photograph from a concerned citizen was submitted of a series of conduction poles bordering a solar facility located in Clifton Park. ReJean DeVaux recognized the location and stated that the Northline Drive solar project would not have as many poles, a maximum of six, running along the access road to the proposed facility, perpendicular to NYS Route 40. Mr. DeVaux expects the first pole to be located 35' from the road, each pole thereafter will be spaced 35' from the next pole. Either the second or third pole will have the metal utility box. In addition, Mr. DeVaux pointed out that National Grid will dictate the number of poles and that NYS Utility Commission requires that each project must have its own interconnection; however, for this proposal the maximum number of poles will be six. Mr. DeVaux added that two poles will be visible while traveling north on NYS Route 40 and 3 poles will be seen from the other side of Route 40.

Dan Clow asked if it was possible to have a "pit style interconnection". Mr. DeVaux replied that a concrete style of interconnection was considered, but National Grid rejected that design in favor of poles. He added that he couldn't remember why the concrete option would not be effective.

Chairman Alessandrini wanted to know if further studies of the visual impact had been completed from the Simpson property location. Mr. DeVaux replied that additional plantings had been planned to reduce the visual impact. Mr. DeVaux expects that minimal panels may be seen from the Simpson property and that, to the east from the Simpson property there will be no impact after a 5 year period, due to the growth of the evergreens, and the 640'-650' distance from the property to the panels.

Chairman Alessandrini asked if markers could be placed around particular locations in the field, to allow the Board to better visualize the position of the panels around the perimeter at six critical visual points. Mr. Alessandrini requested a site visit after the site was marked to demonstrate where the panels are proposed in relation to adjacent properties in advance of the January meeting. Mr. DeVaux stated that he would contact the landowner for permission and speak with the surveying team.

Elizabeth Hale asked Mr. DeVaux about the visual impact on the Northline Drive properties, specifically the Kehn residence. Mr. DeVaux pointed out that he spoke with the residents and that the distance between the Kehn house and the nearest panels is 200' and that a heavy buffer is planned at that location. The house next door is 270' from the panels.

Mr. DeVaux stated that he would prepare response letter #2 and complete the SWPPP by next month's meeting.

The Board chose to consider the SEQRA at next month's meeting. Chairman Alessandrini will reach out to the Fire Marshall to see if he has visited the site.

Verbeck Community Solar Expansion (Tax Map#41.-1-96). Chairman Alessandrini stated that further information on the Verbeck Community solar expansion was not ready to be presented to the Board at this time.

Brian Holbritter, land surveyor raised a question earlier in the meeting with regard to the subdivision of lots 5 acres and smaller and the requirement for a septic design when the owner has no intention of developing the lot.

Mr. Holbritter suggested the addition of a note, used by the Town of Pittstown, as follows: "Lots not to be developed at this time may not be developed until sewerage systems are approved by the permitting authority." Discussion by the Board ensued. Atty. Pratt stated that she would research the topic and the origin of the subdivision law, to determine if it is county, state or DOH related, and whether such a note is permissible by law.

Chairman Alessandrini stated that he had been contacted by the developer of River's Edge. The developer would like to locate a 300 square foot cabin/guest house, with water and electrical power, within the development for seasonal use. It was unclear whether the structure was for personal use or rental and whether there was intention to install a septic system. Since the Town of Schaghticoke does not allow the construction of houses under 600 square feet or tiny houses (since they may not meet Building codes), the Board was undecided as to whether the structure may be considered a camp, accessory apartment or where the proposal may fit into the Zoning Code. Chairman Alessandrini stated that he would research building codes that may address seasonal occupancy. It was also suggested that the developer may need to seek a variance from the ZBA.

Ms. Weber contacted Chairman Alessandrini with regard to the potential submission of an application for a lot line adjustment. Ms. Weber owns a 20' X 50' lot in the Hamlet District of Pleasantdale. The lot next to hers, 25' X 75' or 100', is unkempt and belongs to her new neighbors who are willing to sell it to Ms. Weber. However, Ms. Weber does not wish to pay to have the land surveyed as it would be cost prohibitive. The Board discussed the possibility of waiving a pre-determined parcel without survey. Atty. Pratt expressed concern with regard to whether the county would accept the transfer of property without the submission of a survey plat. Chairman Alessandrini stated that he thought that deed consolidation would be required and that the information would be noted on the tax map, but that he would contact the county mapping section to see if the waiver could be accomplished without a survey.

Wayne Akin made a motion to adjourn the meeting at 8:54 p.m. Scott Wiley seconded. Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Weir, Wiley

Nays: None

Abbreviations:

DOH – Department of Health
EAF – Environmental Assessment Form
NYS- New York State
PB – Planning Board

RA- Residential Agricultural District
SEQRA – State Environmental Quality Review Act
SWPPP – Stormwater Pollution Prevention Plan
ZBA – Zoning Board of Appeals

Respectfully submitted,

date:

A handwritten signature in black ink, appearing to read "Elizabeth Hale". The signature is written in a cursive, flowing style with a large initial "E".

Elizabeth Hale, Clerk
Planning Board, Town of Schaghticoke