

OFFICE OF THE PLANNING BOARD
Town of Schaghticoke

April 7, 2021

The Planning Board met, in accordance with current orders, via videoconferencing/ teleconference utilizing the Zoom Application on Wednesday, April 7, 2021.

Kristin Pratt, Deputy Town Attorney, explained the Zoom Application. Attorney Pratt stated that the meeting was being recorded, would be available on the Town of Schaghticoke website and would be later transcribed. Atty. Pratt stated that minutes were being taken and 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 verbally than through the chat feature in an effort to capture all public comments in a format that can be preserved.

PUBLIC HEARING

7:31 P.M. **Timber Harvest Permit (Tax Map #10-4-2.2)**. Chairman Alessandrini read the Notice of Hearing. Nicholas Curto, applicant and owner of the proposed timber harvest property located in an RA district on Knickerbocker Road, appeared. Mr. Curto explained that the proposed timber harvest plan (submitted prior to the March 2021 meeting) includes 39 acres from the 41 acre Knickerbocker Road parcel, that the harvest will be an uneven selective harvest and that best management practices will be followed, according to the plan prepared by the licensed forester, Gregory Monick of Mt. Anthony Consulting Forestry, LLC in Bennington, VT. The residual two acres is occupied by the Curto residence and out-buildings. Mr. Curto stated that he expects no to minimal environmental impact as result of the harvest. He expects that the harvest will take place from December 2021 to the 31st of March 2022, over frozen ground and will result in a yield of 134,000 board feet, 278 cords of wood as well as pulp wood, leaving 65-75% of tree top canopy. In addition, Mr. Curto stated that he conducts a harvest, for management purposes, approximately every decade and believes that he meets all requirements set forth in the Zoning Code regulations. There were no public comments. The public hearing closed at 7:37 p.m.

REGULAR MEETING

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

Deputy Town Attorney, Kristin Pratt was present. In addition, there were two members of the public who appeared through Zoom.

The minutes from the March 3, 2021 meeting were reviewed. Scott Wiley made a motion to approve the minutes as submitted. Brian Davidson seconded.

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

Nays: None

Timber Harvest Permit (Tax Map #10-4-2.2). The Board agreed that the Curto timber harvest application was one of the most thorough and comprehensive reports submitted to the Board. The Board also concurred that the application was reviewed by the Board at the March meeting and that there were no further questions from the Board members.

Wayne Akin made a motion to adopt a negative declaration of environmental significance under SEQRA. Dan Clow seconded.

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

Nays: None

Wayne Akin made a motion to approve the Curto timber harvest special use permit. Dan Clow seconded.

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

Nays: None

Stillwater Renewables/Viall Solar Farm Site Plan Amendment (Tax Map # 22-1-7.1).

Dallas Manson, Business Development Representative for Nexamp, Inc. appeared to provide the Board with an update with regard to a 3 megawatt solar facility, Stillwater Renewables Solar Farm, located in an RA district on the Clifford and Gary Viall property on Stillwater Bridge Road. The 16 acre project with 12' high solar panels was approved by the Planning Board June 17, 2020. Due to COVID19, the project was delayed and it was discovered that the planned racking system for the solar panels was not suitable for the 15% sloped topography of the project, and that the out-dated racking system would cause more environmental disturbance. A new racking system, which supports the panels, was located; however, the height of the new racking system will increase the height of the panels to a maximum height of 16'4", tilting east and west. The Town Zoning Law as modified by the Solar Law limits the maximum panel height to 12' for large scale solar projects. Ms. Manson stated that an appeal for an area variance of 5' was requested from the Zoning Board of Appeals. On April 1, 2021 the Zoning Board of Appeals granted the area (height) variance to allow for the greatest possible tilted height of the panels at 17'. The Planning Board concurred that the project

was not visible from any location with the exception of one point along NYS Route 40, where the visibility would be noticeable for approximately 3 seconds in a moving car, and would not be objectionable. In addition, the visibility from higher panels would not be in conflict with the negative declaration of SEQRA, granted at an earlier date. Atty. Pratt stated that she would create a resolution to show that the 12' height was amended to allow the 17' height of the panels and would include reference to the granting of the ZBA variance, approval of the site plan amendment, and ratification of the SEQRA determination.

Dan Clow made a motion to allow the aforesaid resolution for the approval of the amendment for the Stillwater Renewables Solar Farm and ratification of the SEQRA determination. Brian Davidson seconded.

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

Nays: None

Herrington Solar Farms Modification of Conditions (Tax Map#41.-1-96). Chairman Alessandrini stated that Eden Renewables, the applicant for a community solar farm, approved by the Planning Board to be located on 34 acres from a 126 acre parcel in an RA district at 33 Bracken Road, is requesting the removal of one condition (condition #17) relating to the protection of the long-eared bat, its habitat and required protective measures. Chairman Alessandrini distributed information from DEC with regard to the long-eared bats, including their locations within NYS, to the Board members prior to the meeting. The information showed that the long-eared bat does not have any known habitat in the Town of Schaghticoke. The long-eared bat, however, does claim winter habitat in 6 towns in the southeast of Rensselaer County.

Deputy Town Attorney, Kristin Pratt, recused herself, as Eden Renewables is a client of Young Sommer, LLC. Attorney Peter Barber acted as attorney in the Herrington Solar Farms application.

The applicant requested that a resolution be drawn to reflect the Board's agreement that there is no DEC or any other evidence that the long-eared bat has any habitat in the Town of Schaghticoke.

Brian Davidson made a motion to delete condition #17 from the conditions listed within the decision approving the Herrington Solar Farm. Scott Wiley seconded the motion.

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

Nays: None

Bayly Lot Line Adjustment (Tax Map #51.2-3-12 and 51.2-3-14). Brian Holbritter, land surveyor, appeared to represent the applicants, Janet and Richard Bayly, for a lot line adjustment located in a Hamlet District on Doty Avenue and NYS Route 40. The Baylys purchased a 2.69± acre lot located at 57 Melrose Valley Falls Rd. (Tax Map # 51.2-3-14) with a residence and would like to waive 2 acres of that parcel to their property at 16 Doty Avenue, creating a revised area of 2.54± acres, including their residence with a residual .69 acre lot with an existing 2-story residence at 57 Melrose Valley Falls Rd. Wayne Akin made a motion to approve the lot line adjustment. Bob Weir seconded the motion.

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

Munger Accessory Apartment Pre-filing Conference (Tax Map #20.18-2-9). Michael Munger appeared to propose an accessory apartment to be located in a Hamlet District with public water and sewer at 113 South Linden St., Hemstreet Park. The property has a residence and a garage which is a metal building. Mr. Munger proposes to convert the garage to a living space for himself and to add a garage stall to the building for the storage of a car. The residence is occupied by his parents. Chairman Alessandrini stated that there may be some building code issues concerning the proposed accessory apartment, but that aspect of the project may be discussed with the Building Inspector. With submission of an application, application fee, short form EAF by the 15th of the month, a public hearing may be scheduled for next month.

Chairman Alessandrini noted that the CDRPC is currently conducting webinars. He recently watched a training session with regard to Special Use Permits and Zoning Variances. Once the session is available, he stated that he would distribute the link to the PB members. Mr. Alessandrini encouraged the Board to sign up for the webinars.

Wayne Akin made a motion to adjourn the meeting at 8:11 p.m. Brian Davidson seconded.

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

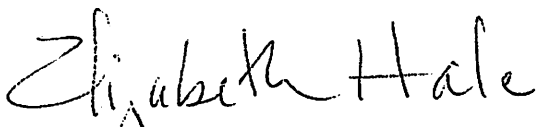
Abbreviations:

CDRPC – Capital District Regional Planning Commission
EAF – Environmental Assessment Form
HD – Hamlet District
NYS- New York State

PB – Planning Board
RA- Residential Agricultural District
SEQRA – State Environmental Quality Review Act

Respectfully submitted,

date: May 14, 2021



Elizabeth Hale, Clerk
Planning Board, Town of Schaghticoke