

OFFICE OF THE PLANNING BOARD
Town of Schaghticoke
August 2, 2023

PUBLIC HEARINGS

7: 00 P.M. **David C. Dean Area Variance (Tax Map #42-1-9.11).** David Dean, the applicant, appeared to propose an accessory apartment to be located on 2.7± acres in an RA district at 72 Madigan Road. Mr. Dean stated that the proposed 30' X 20' accessory apartment to be constructed with a basement is planned to be connected to a breezeway to be built behind the existing garage. Mr. Dean applied to the ZBA for a side yard area variance of 11.03± feet for the existing garage and a side yard variance of 10.71± feet for the proposed accessory apartment in order to meet the Zoning Law. The variances were granted on July 6, 2023.

There was no public comment. Planning Board Chairman Alessandrini received one written letter of support from Mr. Dean's neighbor, Keith Herrington. Mr. Herrington owns the parcel adjacent to the proposed project. The public hearing was closed at 7: 03 p.m.

Bonnier Plaza Retail Special Use Permit Pre-filing Conference (Tax Map #41.-1-24.2). Deborah Yando appeared to propose a retail store, a gift shop, to be located in an existing, approximately 538 square foot space, at Bonnier Plaza, 1140 NYS Route 40, in an RA district. The space is book-ended by Bonnier's Auto Repair Shop and a hair salon. There was no public comment. The public hearing was closed at 7:05 p.m.

REGULAR MEETING

7: 05 P.M. Members present were: Frank Alessandrini, Dan Clow, Brian Davidson, Elizabeth Hale, Chris Reynolds, and Bob Weir. Kristin Pratt, Deputy Town Attorney was present.

The minutes of July 5, 2023 were reviewed. Chris Reynolds made a motion to approve the July minutes as submitted. Dan Clow seconded.

Ayes: Alessandrini, Clow, Hale, Reynolds

Nays: None

Abstention: Weir

David C. Dean Area Variance (Tax Map #42-1-9.11). David Dean, the applicant, appeared to propose an accessory apartment to be located on 2.7± acres in an RA district at 72 Madigan Road. Mr. Dean stated that the proposed 30' X 20' accessory apartment is planned to be connected to the existing garage, which, in turn, has an existing breezeway which is

connected to the residence. It was noted by the Chairman that the original plan for the accessory apartment was modified and accepted by the Planning Board.

Mr. Dean submitted an application to the ZBA for area variances required, a side setback of 30': (1) a 11.03' side setback variance for the existing garage; and (2) a 10.71' side setback variance for the proposed accessory apartment. The ZBA granted approval for the area variances at the July 6, 2023 meeting.

There were no questions from the Board.

Mr. Dean stated that he would submit the application fee to the Town Clerk on the following day.

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

Ayes: Alessandrini, Clow, Davidson, Hale, Reynolds, Weir

Nays: None

Chris Reynolds made a motion to grant approval for the accessory apartment to be located at 72 Madigan Road. Bob Weir seconded.

Ayes: Alessandrini, Clow, Davidson, Hale, Reynolds, Weir

Nays: None

Bonnier Plaza Retail Special Use Permit Pre-filing Conference (Tax Map #41.-1-24.2). Deborah Yando appeared to propose a retail store, a gift shop, to be located in an existing, approximately 538 square foot space, at Bonnier Plaza, 1140 NYS Route 40, in an RA district. The space is situated between Bonnier's Auto Repair Shop and a hair salon.

Ms. Yando submitted the application, and short form EAF, the Owner Authorization for PB Action (Ernest Bonnier Jr. is owner of the premises), and a map exhibiting the proposed location for an ADA compliant handicap access point, parking spot, ramp and sidewalk. The application fee was submitted to the Town Clerk. Moving forward with the project, the Board advised Ms. Yando to confer with the Building Inspector, Scott Frisino, with regard to meeting the handicap code regulations and requirements.

Brian Davidson made a motion to issue negative declaration under SEQRA. Dan Clow seconded.

Ayes: Alessandrini, Clow, Davidson, Hale, Reynolds, Weir

Nays: None

Chris Reynolds made a motion to grant approval for a Special Use Permit and Site Plan Review for the retail business to be located at 1140 NYS Route 40.

Brian Davidson seconded.

Ayes: Alessandrini, Clow, Davidson, Hale, Reynolds, Weir

Nays: None

Verbeck Solar Site Plan Revision (Tax Map # 22.-1-1.121). Evan Comilloni, PE, with Collier Engineering and Design, appeared to request a site plan amendment for the proposed solar photovoltaic facility to be located at 95 Verbeck Avenue. The original plan for the project was submitted to the

Board and approved on April 28, 2023. Mr. Comilloni is requesting minor revisions to the site plan, including reducing the length of the access road from the approved 900' to 400' and relocating it to the north by 3', shifting the location of the turn-around to be closer to the equipment pads, decreasing the area within the fencing to $10.74 \pm$ acres and increasing the area outside the fencing to $3.3 \pm$ acres. Additional minor revisions include a reduction in the water quality volume and a removal of water quality volume from Drainage Area 2. Discussion took place with regard to the relocation of the existing 12" diameter stormwater pipe which will be abandoned in place or filled with a flowable fill material. A new pipe will be installed to reroute the stormwater flow to the outside of the fence. There will be no change to the stormwater plan. Decompaction will take place only within the northern area of the entire site measuring $14.04 \pm$ acres. Mr. Comollini stated that the thrust of the revision is to reduce the amount of decompaction. When asked about fire-fighting within solar projects and concern with regard to getting fire equipment to the site, Mr. Comilloni assured the Board that there are no plans to have batteries or battery storage onsite. The revisions will allow for a more advantageous turn-around for fire-fighting equipment. Location of the poles will remain the same.

Mr. Comollini was advised that DEC guidelines must be followed with regard to decompaction. SEQR has been completed and the SWPPP was received. Dan Clow made a motion to grant approval for the Verbeck Solar site plan amendment. Bob Weir seconded.

Ayes: Alessandrini, Clow, Davidson, Hale, Reynolds, Weir

Nays: None

ActiveSolar Schaghticoke Sites -I(Fairgrounds), II (Landfill), III (Town Garage). Paul Lubera, Lansing Engineering, appeared to provide the Board with an update with regard to the proposal for applications for the construction of solar farms to be located at 863 and 895 Old Schaghticoke Road (NYS Route 67) and Stillwater Bridge Road. Paul Kruger, Director of Development, ActiveSolar Development, was present. Mr. Lubera stated that the Fairgrounds site measures $14.9 \pm$ acres, not including the 5 acre land-locked parcel whose ownership is in question. Since the former owner is deceased, an heir, should there be one, is unknown at present. A title search located a right of reverter; therefore, the application for Solar I will be delayed and the public hearing to be held by the ZBA on August 3, 2023 will be postponed. Depending upon the outcome, it may be necessary for the estate to be re-opened for a sale to take place from the heir to the Town. Mr. Lubera stated that Solar II (landfill) and Solar III (highway garage), both located in an HC district, will each be separately connected to different distribution points. Solar II (landfill) and Solar III (highway garage) will both require area variances that will be requested from the ZBA for 0' setbacks as well as use variances, allowing a solar facility within an HC district. The PB chose to assume lead agency status for the Solar III project. Solar II is exempt from SEQR as a Type II action. Atty. Pratt stated that the

correspondence concerning lead agency status with regard to Solar I (Fairgrounds) was circulated to the appropriate interested agencies. Solar III may be mailed out on August 3, 2023.

Currently, the Board cannot move forward with the SEQR review of the Solar III application until the lead agency correspondence is circulated. The Solar III application may be ready for SEQR review during the September meeting.

Additionally, the Board cannot take action on the special use permit application on the Solar II or Solar III applications until the ZBA acts on the variance applications. The ZBA will move forward with hearings on the Solar II and Solar III applications during the September meeting.

Chris Reynolds made a motion for the PB to assume lead agency status for Solar III, the highway garage site and to circulate lead agency correspondence. Elizabeth Hale seconded.

Ayes: Alessandrini, Clow, Davidson, Hale, Reynolds, Weir

Nays: None

Robert Cross, a resident of the Stillwaterbridge Road, was present and stated that his residence is located behind the proposed Solar I project, the Fairgrounds site. He stated that he received a notice for a project in Melrose, spoke with 5 of his neighbors about the project and saw information about the proposed solar facility and the appeal for a 0' setback on social media. In addition, Mr. Cross stated that the proposal would be in his neighbors' backyards and that he does not want to see solar panels from his property. Chairman Alessandrini explained that the hearing scheduled by the ZBA for August 3, 2023 was postponed due to the title issue that arose that the applicant is seeking to resolve. In addition, Chairman Alessandrini stated that the proposed 0' setback is to be located adjacent to the National Grid boundary line and would not infringe upon anyone's property. Mr. Cross was advised that he will receive notification when a hearing for the proposed solar facility, Solar I, is scheduled.

Brian Davidson made a motion to adjourn the meeting at 8:10 p.m. Dan Clow seconded.

Ayes: Alessandrini, Clow, Davidson, Hale, Reynolds, Weir

Nays: None

Abbreviations:

DEC - Department of Environmental Conservation

R - Residential District

EA - Environmental Assessment Form

RA - Residential Agricultural District

HC - Highway Commercial District

SEQRA - State Environmental Quality

Review Act

HD - Hamlet District

SWPPP - Storm Water Pollution Prevention Plan

NYS - New York State

ZBA - Zoning Board of Appeals

PB - Planning Board

Respectfully Submitted,

date:

Elizabeth Hale, Clerk, Planning Board, Town of Schaghticoke

