

PLANNING BOARD MEETING - AUGUST 19, 2019
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.

PRESENT

Denise Mayrer, Chairwoman
Wayne Johnson, P.E.
Lawrence D'Angelo
Andrew Aubin, P.E.
James Shaughnessy, P.E.
Nadine Fuda, Director
Attorney Craig Crist, Esq.
Richard Laberge, P.E. Planning Board Engineer
Melissa Knights, Assistant to Director

MEMBERS ABSENT

John LaVoie

APPROVAL OF MINUTES —, 2019

Johnson moved, D'Angelo seconded that the minutes be approved as amended.

5 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Mayrer, Shaughnessy

Oppose: None

Public Comments

None

Site Plan /Special Permit

Elmbrook Solar Farm
Brookview Road.
Proposed - Utility Solar

2018-41/RA/188.-6-15

Giovanni Maruca owner, Travis Mitchell ENC engineer, was present for this meeting.

Mr. Laberge spoke about his letter Dated August 8, 2019 and letter dated August 13, 2019 (see below)

There were no comment from the board.

Laberge Letter dated August 8, 2019

Re: **Final Site Plan Review**

Elm Brook Solar Farm

SPB #2018-41

We are in receipt of the following for the above referenced application:

- A letter from Environmental Design Partnership dated 07/17/19 responding to our letter of 07/03/19 preliminary review;

- A letter from the US Army Corps of Engineers (USACOE) dated July 17, 2019;
- Storm Water Pollution Prevention Plan (SWPPP) last revised June 2019; and
- A cut sheet entitled "Solar Field Fence" detail 2/9.

The project is subject to §219-39.3 of the Town's zoning law. The Planning Board has certified the application to the Town Board and while review of the site plan is continuing at the applicant's request, site plan approval cannot be considered until a PD-2 solar overly is granted by the Town Board.

With the above in mind, we offer the following comments on the materials submitted and on the outstanding requirements of §219-39.3:

1. The Applicant has obtained a response from the USACOE's indicating that the project as presented does not require a USACOE permit.
2. The Applicant maintains that the proposed Solar Field fencing will be aesthetically pleasing and will be supplemented by the CCTV monitoring system. In addition, the Applicant has indicated that routine inspection, maintenance and replacement of fencing components will be performed along with other equipment maintenance within the facility.
 - a. Therefore, with the revised detail per the cut sheet of the fence that indicates a mesh to be utilized as a 4"x4" opening; the Applicant should update the plans using this revised detail.
3. The Applicant has acknowledged and agreed that the property owner must submit proof of insurance in an amount acceptable to the Town. Town shall be named a Certificate Holder and be provided notice if the policy is to be cancelled.
4. The Applicant has acknowledged and agreed to provide the following prior to the start of construction and maintained throughout the construction and life of the facility:
 - a. Surety for construction and maintenance along with acceptable construction cost estimate;
 - b. Surety for removal; and
 - c. Annual documentation from the utility company that the facility is active.
5. The Applicant should submit the original Schodack's Stormwater Control Facility Maintenance Agreement for the Town's execution. Upon return to the Applicant the agreement should be filed with the Registry of County Deeds and an official copy of the Registry recorded document return to the Town for their records.
6. In order to maintain the intended disconnection of impervious areas by promoting overland filtering and infiltration of stormwater (non-rooftop disconnection); in areas where the ground slope exceeds 5%; the Applicant has proposed the use of "level spreaders" to maintain sheetflow conditions. The width of the spreaders should be increased to 24".

In conclusion, we find the plans sufficiently progressed and recommend that the Planning Board consider Final Site Plan approval conditioned upon the following:

1. Town Board approval of the Solar PD;
2. Outstanding issues in numbers 2 through 6 above; and
3. Satisfaction of all administrative items.

Laberge Letter dated August 13, 2019

Re: **SEQRA Negative Declaration**

Elm Brook Solar Farm

SPB #2018-41

We have prepared a formal Negative Declaration for the above referenced application. We recommend the Planning Board reaffirm the Negative Declaration for the project by resolution prior to considering the recommended actions of our August 8, 2019 letter.

We suggest the following language for the resolution:

The Planning Board, acting as Lead Agency in a Coordinated Review under SEQRA, has thoroughly evaluated all aspects of this Type 1 Project and carefully reviewed all relevant materials. For the reasons set forth in the attached analysis, the Planning Board has determined that the Project will not have any significant adverse impacts on the environment. As a result, the Planning Board directs a Negative Declaration to be filed and distributed pursuant to SEQRA regulations, and that a Draft Environmental Impact Statement need not be prepared.

Please contact our office with any questions or comments on the above.

Johnson moved, Aubin seconded that the following approved site plan be adopted: with items 2 through 6 of the Laberge letter dated August 8, 2019

5 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Mayrer, Shaughnessy

Oppose: None

Aubin moved, D'Angelo seconded *The Planning Board, acting as Lead Agency in a Coordinated Review under SEQRA, has thoroughly evaluated all aspects of this Type 1 Project and carefully reviewed all relevant materials. For the reasons set forth in the attached analysis, the Planning Board has determined that the Project will not have any significant adverse impacts on the environment. As a result, the Planning Board directs a Negative Declaration to be filed and distributed pursuant to SEQRA regulations, and that a Draft Environmental Impact Statement need not be prepared.*

5 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Mayrer, Shaughnessy

Oppose: None

Site Plan /Special Permit

TJA Clean Energy

13 Paul Road

Proposed - Utility Solar

2019-3 /R-40/209.-8-1

Eric Kenna, P.E. for C&S Companies, was present for this meeting.

Mr. Kenna stated spoke about the Laberge comment letter dated August 12, 2019 and stated they do not have any issues with his request. (see below) and he is here to see if they can get the certification to go to the town board. He is waiting for two items to come back and they are the US Army Corp. of engineer's letter and the final SHIPO sign off letter. They did complete the phase I archaeological assessment they have a field letter from the archeologist saying they didn't find anything and there was no impact, he is just waiting for the full report. At that point he will send that to SHIPO and they have 30 days to respond. And they will move forward from there and asked if there were any questions from the board.

Mr. Laberge asked if they intend to progress the site plan aspect while they are working through items for this board and the town board.

Mr. Kenna stated they would like to get the project in front of the town board get their opinion and to see if there is any major changes to be made, because they would want to make those and bring them back to this board for review.

Mr. Laberge stated what is being recommended from his letter dated August 12, 2019 is basically that the application and materials presented and meet the criteria for the PD regulations, and he is recommending the chairwoman certify the application to the town board that it is complete in those respects. Process wise from here is that the applicant has mention they are still working on SEQRA documentations so that the analysis can be completed and a determination can be made.

Mr. Johnson stated the applicant fenced off all the wetlands, is there a reason that it all has to be fenced off.

Mr. Kenna stated what they did was fence the panels and had to skirt around the wetland area, their goal is to fence in just the panels and leave the wetlands alone.

Mr. Aubin stated the blue line running through the wetlands is some sort of connectivity.

Mr. Kenna stated the blue line is a stream.

Mr. Aubin stated the road is crossing the stream.

Mr. Kenna stated correct there is a stream crossing. But remember the roads are more of a path for them. At some point TJA will have to make a decision on how permanent of a crossing they want, there are ways to do a crossing that will not require a permit but may limit access to the other areas.

D'Angelo Motion Shaughnessy second the planning board certify to the town board that this is complete and ready for them to consider.

4 Ayes, 1 Noes. Motion carried.

Ayes: D'Angelo, Johnson, Mayrer, Shaughnessy

Oppose: Aubin

Laberge Letter Dated: August 12, 2019

Re: Preliminary Site 2nd Review

TJA Clean Energy

Solar SPB # 2019-3

We are in receipt of a letter from C&S Companies dated 07/30/19 responding to Laberge Group review of 07/08/19 for the above referenced application. Attachments to the letter included the following:

- 1. Letter dated 07/31/19 from Hartgen Archeological Associates Inc. regarding results of Phase IB investigations;*
- 2. Summary Table on an undated paper entitled "TJA Clean Energy Completed Project List";*
- 3. Memorandum dated 04/05/18 NYS DEC subject "Solar Panel Construction Stormwater Permitting/SWPPP Guidance";*
- 4. Maryland Department of the Environment "Stormwater Design Guidance-Solar Panel Installations";*
- 5. Plan entitled "Aerial Plan" with a sheet name C-100 received by our office 8/12/19;*
- 6. Plan entitled "Site Layout" with a sheet name C-101 received by our office 8/12/19; and*
- 7. Plan entitled "Enlarged Plan" with a sheet name C-102 received by our office 8/12/19.*

The project is subject to §219-39.3 of the Town's zoning law. As such, the application must comply with the regulation for planned developments in Article XII of the zoning law including referral by the Planning Board of the application to the Town Board for approval.

With the above in mind, we offer the following comments:

- 1. The project is a Type I action under SEQRA.*
- 2. The Applicant has indicated on the plans, a proposed planted berm in the northwest portion of the site inside the 200-ft buffer zone. The berm would aid in screening the project from the residents of Paul Road. The berm is indicated to be 3-ft high with a base of 17-ft. Evergreens 6 to 8-ft high are proposed to be planted 15-ft apart in a double, staggered row.*
 - a. A similar berm of approximately 60-75' in length should also be proposed east of the site access road to ensure screening.*
 - b. In addition to the plant list schedule provided, the plans should indicate the location of the individual types and their location as typically provided with landscaping plans.*
- 3. Poles 1-3, 1-4 and 1-5 require additional screening from adjacent residences. Alternatively, the applicant should consider moving all or some of them further south into the site, or a combination of moving and screening.*
- 4. While the most of the solar arrays will be perpendicular to the contour, given the minor slopes are generally less than 5% and the requirement that the*

project will be providing soil de-compaction and amendment; we concur with the applicant's statement that water quality treatment for the solar panel stormwater runoff will not be required.

- a. However, peak flow mitigation may still be required for the site which shall be determined by the Applicant based upon a "...site assessment/hydrology analysis..." per the NYS DEC Solar guidance.*
 - b. Likewise new impervious areas should also be provided water quality and quantity treatment. Alternatively, the applicant should consider use of the 2019 NYSDEC limit use pervious road detail.*
- 5. While the plans now note that the soils / area between arrays will be restored after construction, specifications on soil restoration have not been indicated on the plans. The Applicant should add a note that all disturbed soils shall be restored by the application of de-compaction and compost enhancement per the NYS Stormwater Management Design Manual Chapter 5, p. 5-19.*
- 6. The Applicant has conducted a Phase IB investigation with the conclusion by Hartgen Archeological Associates "...that the project will have no impact on archeological resources...". A letter from SHPO stating that the project will have no impact should be provided prior to further action on SEQRA.*
- 7. The Applicant has indicated that wetlands and watercourses will be field reviewed with the USACOE on August 14, 2019.*
 - a. As such the USACOE and NYSDEC Jurisdictional Determination (JD) is pending and the results of the JD should be provided for review.*
 - b. The JD will be required prior to further action on SEQRA.*
- 8. At the time of site plan approval the Applicant and the property owner must submit proof of insurance in an amount acceptable to the Town. Town shall be named a Certificate Holder and be provided notice if the policy is to be cancelled.*
- 9. The Applicant has acknowledged the following will be required during the construction and life of the facility:*
 - a. Surety for construction and maintenance along with acceptable construction cost estimate;*
 - b. Surety for removal; and*
 - c. Annual documentation from the utility company that the facility is active.*
- 10. The Applicant has indicated the area of disturbance will be over 25 acres and as such will be preparing a Storm Water Pollution Prevention Plan (SWPPP) for the project.*
 - a. The SWPPP should include a map that shows the limits of ground disturbance with calculated the areas tabulated. Include any areas to be graded, staging areas, access roads, temporary stockpiles, electrical trenching disturbance, etc., in the calculation.*
 - b. The Applicant has provided a "Gravel Road Detail". The applicant should consider revising this detail to fully agree with the 2019 NYS DEC "limited use pervious access road" detail. Otherwise the road area shall be treated as impervious area in the SWPPP with the increased site runoff addressed with permanent storm water management facilities.*
- 11. The Applicant should submit advanced design plans, construction notes and details that include but not limited to:*
 - a. Drawings at scales that are typical for engineering drawings such as*

1"=100', 50', 40', 20', etc. as appropriate to show detail.

- b. Drawings should indicate the locations of: proposed trenching for underground electrical lines, battery storage, concrete pads, camera monitoring, inverters, transformer stations, misc. other structures as may be required, erosion and sediment measures, stormwater management practices, and construction details.*

After reviewing the information submitted to date, we find that all the necessary application material has been presented. As such, we recommend the Chairwoman certify same to the Town Board for further action under Article XII including a public hearing on the matter.

Please contact our office with any questions or comments on the above.

Member Discussion

Site Plan /Special Permit

T- Mobile new co-location
3788 US Highway 20
Proposed - New Co-Location

2019-18/RA/201.-2-39.1

Shaughnessy moved, Aubin seconded that the
The Planning Board declares itself SEQRA Lead Agency for this Unlisted Action.

Johnson moved, D' Angelo seconded that the
The Planning Board re-affirms the SEQRA Negative Declaration based upon the analysis (attached) prepared by its consultant.

Shaughnessy moved, D' Angelo seconded that the
The Planning Board re-affirms the Minor Site Plan Modification
4 Ayes, 0 Noes. Motion carried.
Ayes: Aubin, D'Angelo, Johnson, Mayrer, Shaughnessy
Oppose: None

ADJOURN

Johnson moved, Aubin seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 7:55 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning