

PLANNING BOARD MEETING - OCTOBER 4, 2021
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.

PRESENT

Denise Mayrer, Chairwoman
Wayne Johnson, P.E.
John LaVoie
Stephanie Leonard
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

APPROVAL OF the DRAFT MINUTES - AUGUST 16, 2021

Johnson moved, LaVoie seconded that the minutes be approved as amended, as the official minutes of this meeting.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

APPROVAL OF the DRAFT MINUTES — SEPTEMBER 20, 2021

Johnson moved, Shaughnessy seconded that the minutes be approved as amended, as the official minutes of this meeting

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Shaughnessy

Oppose: None

Abstain: Mayrer,

PUBLIC COMMENT

None

Recommendation to ZBA

Nassau County True Value

3517 Rt. 20

Proposed - Area Variance for sign

Z799-21/HC/211.-2-15

Craig Garner, applicant and Pat Boni from Saxton Sign and Even Walsh from Watchfire sign were present for this meeting.

Mr. Garner stated he is looking to replace the existing sign that was damaged, he is requesting a lighted sign that will change once a day with sales promotion items or could be used to list help wanted etc.

Mr. Boni stated what they want to do is replace the sign that was hit by a delivery truck. The new sign will be in the same square footage, height, and overall location. But are looking to replace the bottom section with an EMC that will not flash, move, or rotate.

Mr. Walsh stated they are the manufacture of the digital technology that goes into the sign that will give the owner the ability to change what the sign will read. The top two sections will be illuminated with LEDs with a face cover showing the store and address the bottom will not have a face cover over the LED lights. They are looking to change the message intermittently. The sign will never flash, rotate, or animate. The owners agree to have the sign change once a day.

Mr. Johnson asked if that were going to have messages that will be distracting to drivers. Could it be limited to short messages to go with the picture.

Mr. Walsh stated yes, the market dictates that, the objective is to have the graphic and very minimal text.

TYPE II ACTION

Be it resolved that the Planning Board hereby classifies the proposed action as a Type II Action under SEQRA.

Aubin moved; Shaughnessy seconded.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

RECOMMENDATIONS TO THE ZBA

LaVoie moved, Leonard seconded a "**POSITIVE**" recommendation to the Zoning Board of Appeals.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Subdivision / Lot line

Catherine Schell

2021-36/R20/196.3-1-1

Morey Park Road

Proposed - 2 lot & lot lines

Steve Hart, Hart Engineering, John Dunn, Land Surveyor, Catherine Shell, applicant was present for this meeting.

Mr. Dunn stated that applicant would like approval for a 2-lot subdivision with a lot line adjustment on Morey Park Road. The land is remnants of a country farm owned by the Morey family, Mrs. Schell inherited the property from her father, and she is doing estate planning at this time and looking to create a 6-acre lot and the other 9 acres with a 1.41 lot line adjustment to me Jim Oakes . lot 1 is a flag lot with 55 feet of road frontage, and lot 2 has 444 feet of road frontage on Morey Park Hill Road.

Mr. Johnson stated the driveway is shown going through the lands of Snyder, is that driveway going to have an easement.

Mr. Dunn stated they haven't decided that at this time.

Mr. Johnson stated that an easement can be done at time of sale with the new property owner. Also, the addition of the lot line adjustment doesn't add up, it should be 1.82 acres instead of 1.90 acres.

Mr. Dunn stated it should be 1.82 that's an error.

Mr. Hart stated they will fix the error on the next set of maps.

D'Angelo moved, LaVoie seconded to schedule this application for a public hearing on October 18, 2021.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: none

Site Plan /Special Permit

Albany off the leash

2021-33/RA/191-2-5.11

128 Boyce Road

Proposed - Site Plan Modifications

Steve Hart, Hart Engineering was present for this meeting.

Mr. Hart stated this applicant was here about 6 months ago and received approval to do the site work for the dog training facility. The 1 existing barns is to be converted into an office and the other is a tear down and rebuild into a virtual training studio. The plans show parking and greenery in the area of the two barns.

Mr. Johnson asked if there was access to the virtual building.

Mr. Hart stated he needs to see where the doors are coming out of the building, they will have to bring a sidewalk up to the building.

Mr. Johnson asked about the squares on the plans next to the road.

Mr. Hart stated those are existing buildings as well.

Mr. Johnson asked if the new construction for the office space going to match the exiting barns. What he is planning to do should be added to this proposal.

Mr. Hart stated he will have to ask them about the look of rebuilding of the barn.

There were no more question on this application.

Chairperson Mayrer stated this is going to engineering.

Gurlal Singh
1490 Rt 9
Proposed - Site Plan Concept

2021-37/HC/RA210.-4-4.1

Justin Long attorney for applicant Gurlal Singh was present for this meeting.

Mr. Long stated his client is looking to move his small trucking business to 1490 Rt. 9. Mostly the need now is for him to have a place to have a small office and to park his trucks. He currently has 5, 53-foot-long tractor trailers. Currently there is a structure on site which needs some work, the land needs to be graded and crusher run needs to be brought in for the parking area. The applicant is looking to see if this proposal will work on this property before retaining an engineer to oversee the project.

Mr. Johnson asked about the type of paper products that are being shipped.

Mr. Singh stated household items such as paper napkins, plates, towels table clothes.

Mr. Johnson asked if they were closed box trailers

Mr. Singh stated yes

Mr. Johnson stated the board will need a plan showing the office space, parking area, as well as having the parking area marked, with stripping or curb stops. He also talked about the EAF items 10 & 11 which talks about sewer and water. The questions were answered (yes) but it should be (no).

Mr. Laberge stated he needs some type of plan showing the use on the 2 acres. That will determine what needs to be done to get this site ready, such as turning movements of the trucks. He also questioned if the freight ever left one trailer and moved another trailer on site.

Mr. Singh stated no, not on site.

Attorney Crist stated this if this use is not a permitted use in a RA zone this project would need a use variance from the zoning board.

There were no more questions from the board.

Green Dale Community Solar Farm
County Rt. 32
Proposed - Site Plan Modification

2020-28/PD-1/227.-1-7

Hyde Clark, Esq, Young/Summer LLC and Gillian Black, Eden renewables were present for this meeting.

Attorney Clark stated they have revised the site plane to seek a variance for a 25-foot setback from the existing property line from the National Grid utility corridor. At the last meeting they received comments from Mr. Laberge requestion additional documentation. That what completed and sent to Mr. Laberge for review. They are here for an affirmation of the negative declaration that they had received for this project in order to proceed to the ZBA.

Attorney Crist stated he wanted to make it clear the board is not affirming the prior negative decoration ,this is a new application. What needs to be done is to adopt a new negative decoration with the changes that are now being proposed.

Mr. Laberge stated he has a few comment see Laberge letter dated September 28, 2021 (see below). Basically, we are just saying there is no since on reviewing any more technical aspect until this gets a determination from the ZBA.

Attorney Crist stated the zoning board of appeals has stated it consent to the planning board to continue to serve as lead agency for this new application that is before the zoning board. As lead agency really its next act would be for the planning board to make it determination of significance or non-significance and he drafted a proposed negative declaration for your review.

Mr. Johnson stated at the last meeting he asked the applicant to contact the Town of Kinderhook planning board and National Grid and to get back to this board with their comments. Has that been done?

Mr. Black stated they have submitted to both the Town of Kinderhook, and they are on the agenda for the next meeting, and he submitted to National Grid, it is going through various department to get an answer about any additional setback they may require outside of their fee parcel.

Mr. Johnson stated so there is no way we can use that information to guide this board tonight.

Attorney Clark stated anything regarding the setback from National Grid is really going to come up with the zoning board of appeals, they will make sure that they can provide that information in terms of Kinderhook and any potential revisions to the site plan, tonight is not for a site plan approval, this is really looking at the changes to the site plan on the set back from the property line and if there is an impact to the environment, they feel based on the limited revision a negative declaration can be issued.

Discussion on the time frame of Kinderhook planning board meeting and when this board would see the decisions and comments from them and National Grid.

Mr. Johnson asked Mr. Laberge if tonight we are in a position to make a negative declaration to the ZBA,

Mr. Laberge stated yes, the board does not need anything from Kinderhook concerning SEQRA.

Attorney Crist stated there is 2 items before this board. The first is to determine whether or not to issue a negative declaration. (Which means there are no negative impacts under the state and environmental quality review act) the second is making the recommendation (positive or negative) to the ZBA.

RESOLUTION - GREEN DALE SOLAR PROJECT (SEQRA)—ADOPTING NEGATIVE DECLARATION

WHEREAS, Green Dale Solar, LLC previously applied for permission to construct a 5MW (AC)/7.5 MW (DC) solar array with solid state battery storage on approximately +/- 129.4 acre parcel of land in the Town of Schodack, Rensselaer County and the Town of Kinderhook, Columbia County (north of County Route 32, Columbia County) (Tax Map ID 227.00-1-7) and Rensselaer County (Tax Map ID 13.00-1-6 and 13.00-1-45); and

WHEREAS, this Board previously adopted a Negative Declaration on May 3, 2021; and

WHEREAS, Green Dale seeks to amend its application to, among other things, extend solar arrays into the 200 foot rear yard setback, thereby providing a 25 foot setback from the rear property line and all other matters as set forth in the amended proposed site plan and revised EAF; and

WHEREAS, the project, as amended, is a Type I action within the meaning of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, based on its consideration of the proposed Project, as amended, its review of the amended Environmental Assessment Form and all other supporting information submitted in connection with the proposed Project, and the criteria set forth in 6 NYCRR § 617.7, the Planning Board, as lead agency, has identified and analyzed the relevant areas of environmental concern to determine whether the proposed action may have a significant adverse impact on the environment;

NOW, THEREFORE, IT IS RESOLVED, that the Planning Board re-appoints and appoints itself as lead agency, classifies the Project, as amended, as a Type I action and hereby

finds and determines that the proposed Project will not have a significant adverse impact on the environment and therefore issues an amended Negative Declaration of Environmental Significance pursuant to SEQRA for the reasons set forth in the attached amended Determination of Significance, which is incorporated herein by reference and the reading of which is hereby waived.

Aubin moved; LaVoie seconded to Adopt this Negative Declaration as amended.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: none

STATE ENVIRONMENTAL QUALITY REVIEW ACT NEGATIVE DECLARATION

NOTICE OF FULL ENVIRONMENTAL ASSESSMENT FORM PART 3 EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS AND DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder and set forth at Title 6, Part 617 of the New York Code of Rules and Regulations (collectively, the State Environmental Quality Review Act, or "SEQRA"). The Town of Schodack Planning Board (the "Planning Board"), acting as Lead Agency in a Coordinated Review, has determined that the proposed action described below will not have any significant adverse environmental impacts, that an Negative Declaration of Environmental Significance should be issued, and that a Draft Environmental Impact Statement need not be prepared.

Reasons supporting this determination are fully explained below.

Project Name: Green Dale Solar Farm

SEQRA Status: Type I: **YES** Unlisted: **NO**

Conditioned Negative Declaration: **NO**

Location:

North of County Route 32, South of the NYS Thruway I90, East of US Route 9 and West of Chadwycke Court, Town of Kinderhook, Columbia County (Tax Map ID 227.00-1-7) and Town of Schodack, Rensselaer County, New York (Tax Map ID 13.00-1-6 and 13.00-1-45). As amended, the Project seeks to be located per a revised proposed site plan so that it would now have a 25 foot setback from the rear property line, adds a second point of access from County Route 32 into the site with an additional inverter transformer station and all other matters as set forth in the amended proposed site plan and revised EAF;

Description of Action:

Green Dale Solar, LLC (the "Applicant" or "Project Sponsor") is proposing to construct a 5 MW (AC) / 7.5 MW (DC) solar array with solid state battery storage on a +/- 129.4 acre parcel of land in the Town of Schodack, Rensselaer County and the Town of Kinderhook, Columbia County. The Applicant seeks to construct solar arrays that are 8.5 feet in height, of variable width and length but generally

totaling 1,100 feet in width and 1,000 feet in length. The site is comprised of approximately 25% wooded sloping land, 61% meadows or areas of unmaintained farm fields, 14% of the area consisting of protected wetlands (the "Project Site"). The project is subject to sec. 219-39.3 of the Town's zoning law. The Project Site is currently zoned Residential Agricultural ("RA") in the Town of Kinderhook and Planned Development 1 in the Town of Schodack.

In addition to Town of Schodack Town Board approval for the Planned Development District, the following permits/approvals are needed for the Project as intended:

- Revised Site Plan Approval by both Planning Boards of the Town of Schodack and Town of Kinderhook;
- NYS General Municipal Law Section 239-m referrals from both the Rensselaer and Columbia County Planning Boards;
- US ACOE Nationwide Permit No. 14/51;
- NYSDEC Stormwater SPDES Construction General Permit coverage; and
- Area variance from the Town of Schodack Zoning Board of Appeals.

Reasons Supporting This Determination: See the attached Environmental Assessment Form (EAF) Part 3, as amended, Reasons Supporting SEQRA Negative Declaration, which details the Town of Schodack's Planning Board analysis, reasoning, and conclusions in making its determination of environmental significance. This Planning Board has carefully considered the criteria for determining significance as set forth in SEQRA regulations at 6 NYCRR § 617.7, and has thoroughly evaluated the Project's potential environmental impacts as identified in Full EAF Parts 2 and 3.

Lead Agency:

Town of Schodack Planning Board
265 Schuurman Road
Castleton, NY 12033

For Further Information:

Town of Schodack
Contact Person: Nadine Fuda, Director of Planning
Address: 265 Schuurman Road; Castleton, NY 12033
Telephone: (518) 477-7938

Town of Kinderhook
Contact Person: Nataly D. Jones, Secretary to the Planning Board.
Address: P.O. Box P; Niverville, NY 12130
Telephone: (518) 784-2233 extension 301

Copies of this Notice have been sent to:

- Town of Schodack:
- Town Board
 - Planning Board
 - Zoning Board of Appeals
 - Highway Department
 - Valatie Rescue Squad

- South Schodack Fire District
- Town of Kinderhook:
- Planning Board
 - Fire Department
 - Highway Department
 - North Chatham Fire District
- Department of Health & County Planning Boards:
- Rensselaer County
 - Columbia County
- New York State:
- Department of Transportation
 - Thruway Authority
 - Department of Health
 - Department of Environmental Conservation
 - Energy and Development Authority
 - Office of Parks, Recreation and Historic Preservation
- U. S. Army Corps of Engineers
Environmental Notice Bulletin

FULL ENVIRONMENTAL ASSESSMENT FORM PART 3

EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS AND DETERMINATION OF SIGNIFICANCE REASONS SUPPORTING SEQRA NEGATIVE DECLARATION GREEN DALE SOLAR PROJECT

Introduction

The Town of Schodack Planning Board (S-PB), acting as SEQRA Lead Agency, undertook a coordinated review of the Project, as proposed to be amended, a Type 1 action, consisting of the construction of a construct a 5 MW (AC) / 7.5 MW (DC) solar array with solid state battery storage on a +/- 129.4 acre parcel of land in the Town of Schodack, Rensselaer County and the Town of Kinderhook, Columbia County . The project is located North of County Route 32, South of the NYS Thruway I90, East of US Route 9 and West of Chadwycke Court, Town of Kinderhook, Columbia County (Tax Map ID 227.00-1-7) and Town of Schodack, Rensselaer County, New York (Tax Map ID 13.00-1-6 and 13.00-1-45). The solar arrays that are 8.5 feet in height, of variable width and length but generally totaling 1,100 feet in width and 1,000 feet in length. It is proposed with a 25-foot setback from the rear property line, adds a second point of access from County Route 32 into the site with an additional inverter transformer station , and additional stormwater management facilities and all other matters as set forth in the amended proposed site plan and revised EAF. The site is comprised of approximately 25% wooded sloping land, 61% meadows or areas of unmaintained farm fields, 14% of the area consisting of protected wetlands (the "Project Site" of "Site"). The Project is considered a utility scale solar array.

Application History

- The matter began by the Applicant's application to the Town of Kinderhook Planning Board on December 23, 2020 and by application to the SPB dated December 29, 2020, which was submitted and was also signed by Gillian Black of Green Dale Solar, LLC, and the property owner Toros Shamlan, Jr, several items accompanied the submission, including the Full Environmental Assessment Form (FEAF) Part 1 signed and dated 12-28-2020 as well as several copies of the proposed concept site plan.
- The Applicant made a sketch plan submittal on January 8, 2021 to the Town of Kinderhook Planning Board.
- The Town of Kinderhook Planning Board on January 21, 2021 conducted a sketch plan review meeting with the Applicant.
- The Applicant submitted additional information to the Town of Schodack Planning Board on January 22, 2021 that include preliminary plans, a Storm Water Pollution Prevention Plan (SWPPP), an engineer's report, an updated FEAF Part 1 and a draft visual assessment report.
- By letter dated January 25, 2021 the Laberge Group submitted a sketch plan review letter. The letter provided both comments and requested additional materials from Applicant.
- The Applicant presented the proposed project to the Town of Schodack Planning Board at a January 4, 2021 meeting of the Planning Board. At that January 4, 2021 meeting, the Planning Board agreed to send the project for engineering review to the Laberge Group (the Town of Schodack Planning Board's engineering consultants).
- Since the project is within 500 feet of a municipal boundary, the Town of Schodack Planning Board as a course of action filed the General Municipal Law 239 (l) and (m) zoning Referral Form with the Rensselaer County Planning Board (Economic Development and Planning) on February 4, 2021.
- At the Town of Schodack Planning Board meeting the Board discussed seeking lead agency status. Thusly, The Town's Planning Department initiated the process via letters dated February 4, 2021, contacting potentially interested agencies, such as the Town of Kinderhook Planning Board, among others, regarding the Town's desire to undertake a coordinated review and be designated as lead agency in the review of the Type 1 Action.
- In response to the January 25, 2021 Laberge Group review letter, by letter dated February 12, 2021, the Applicant's engineer submitted additional materials, including but not limited to:
 - An engineering construction plan set for the project.
 - A visual assessment report detailing the visual assessment at the various vantage points set forth therein.
 - Revised and updated EAF Part 1;
 - An agricultural data statement; and

- Via electronic transmission on February 24, 2021:
 - A coordinated electrical system interconnect review as prepared by National Grid;
 - Manufacturer's information on proposed equipment's noise output;
- The Town of Kinderhook Planning Board reviewed the preliminary project plans with the Applicant on February 18, 2021.
- Project plans were submitted to the Columbia County DPW on February 24, 2021.
- By letter dated February 23, 2021, Laberge Group provided additional comments, including in response to the aforementioned materials submitted by Applicant's engineer. The letter concluded:
 - That plan revision were required to include additional notes and information;
 - That review and comment was required to be submitted from The NYS Office of Parks, Recreation and Historic Preservation (OPRHP);
 - That a Jurisdictional Determination (JD) was required to confirm the locations of mapped protected wetlands; and
 - That additional visual assessment was required to demonstrate the intended screening, and address pad mounted equipment as well as the interconnection power poles.
- At the March 3, 2021 meeting of the Planning Board the matter was once again considered. The Applicant's Engineer presented the project and discussed among other things the project setback from the power line property line which should be treated as a property line and not an easement line and thus the applicable 200 ft setback was agreed to be from the power line property line. The Town Engineer's sketch plan review comments were reviewed and noted that the action is a Type 1 action per SEQRA. The S-TB concluded the meeting with a resolution to seek Lead Agency with all members approving.
- By letter March 3, 3032, received from the Rensselaer County Bureau of Economic Development and Planning, the Bureau concluded that the project would not have a major impact on County plans and that local jurisdiction shall prevail.
- On March 16, 2021 the Applicant submitted a visual impact analysis to the Town of Kinderhook Planning Board.
- On March 18, 2021 the TOK-PB accompanied the Applicant's Engineer on a site visit to review visualization simulations in the field.
- The Town of Kinderhook Planning Board once again reviewed the preliminary project plans with the Applicant during their March 18, 2021 meeting.
- At a meeting of the Town of Kinderhook Planning Board on March 18, 2021 the planning board made a motion and passed to appoint the Town of Schodack Planning Board as lead agency in the SEQRA review of the Green Dale Community Solar Farm application and schedule a public hearing on the matter from April 15, 2021.
- The Town of Kinderhook Planning Board filed their referral form with the Columbia County Planning Board (Economic Development and Planning) on March 22, 2021.

- In response to the February 23, 2021, additional comments letter issued by Laberge Group, by letter dated March 22, 2021, the Applicant's engineer submitted additional materials, including but not limited to:
 - Revised engineering construction plan set for the project; and
 - Full Environmental Assessment Form, Part 1 Project & Setting, dated March 22, 2021.
 - The Applicant indicated the revised plans included a revised solar array layout to enable the project to achieve the required 200 ft. setback from the power line property.
- Revised project plans were submitted to the Columbia County DPW on March 26, 2021.
- The Town of Schodack Planning Board held a meeting April 5, 2021 at which time the matter was heard. The project was noted as being reduced in acreage (38 down to 28 acres, approximately) as a result of plan revisions to adhere to the 200 ft. setback from any property line (the power utility lands in this case). The project was noted as setting aside approximately 9.5 acres of open space. Concern was raised over the potential for noise from transformers with the applicant response noting that there would be none at night and that the level of noise during generation would be significantly dissipated after the sound traveled 400 ft. to the property. Visual screening was also discussed with the abutting landowner, noting that they are working with the applicant for appropriate satisfactory screening.
- The Town of Kinderhook Planning Board held a public hearing on the matter April 15, 2021 noting that they could not act further until the Town of Schodack Planning Board acted on SEQRA. After a presentation of the project fully revised by the applicant, the public hearing on the matter was closed after two commenting members of the public spoke in support of the project.
- In response to the February 23, 2021 Laberge Group review letter, by letter dated April 19, 2021, the Applicant's engineer submitted additional materials, including but not limited to:
 - A revised set of project plans that include proposed plantings to screen the project;
 - Revised Visual Impact Study with Additional visualizations;
 - Updated SWPPP and Stormwater narrative; and
 - Manufacturers information on equipment that includes noise output levels.

In the response letter, the applicant noted that they are in discussions with the NYS Office of Parks Recreation and Historic Preservation and will provide copies of ongoing correspondence.

- The Columbia County Planning Board held a meeting and considered the matter on April 20, 2021 and issued a letter response to the Town of Kinderhook Planning Board via electronic mail on the same date indicating approval and providing informal comments for consideration.

- On April 23, 2021 the Town of Kinderhook Planning Board was delivered a revised full submittal for approval.
 - Via electronic mail delivery the Applicant provide a letter dated April 29, 2021 from the NYS Parks, Recreation and Historic Preservation State Historic Preservation Office noting that the project will have no adverse impact to historic and cultural resources.
 - A solar decommissioning plan was electronically transmitted to the Town of Schodack Planning Board's engineer on April 28, 2021.
 - Thereafter, Laberge Group issued a letter dated April 29, 2021 with additional comments and recommending a Negative Declaration under SEQRA. The letter also recommended the Planning Board certify the Solar PD application to the Town Board as complete and that the Planning Board make a favorable recommendation to the Town Board regarding the application.
 - On May 27, 2021, the Town Board granted planned district approval.
 - Applicant sought an interpretation from the Town Zoning Board of Appeals. By Decision adopted July 26, 2021, it was determined that a 200 foot setback was required.
 - By Application dated September 7, 2021, Applicant filed an application to amend its site plan application for an amended site plan, to have a 25 foot setback from the rear property line, a second point of access from County Route 32 into the site with an additional inverter transformer station, and additional stormwater management facilities and all other matters as set forth in the amended proposed site plan and revised EAF;
 - Thereafter, Laberge Group issued a letter dated September 13, 2021, noting receipt of the amended site plan and noting additional things that Applicant needed to address such as an amended Storm Water Pollution Prevention Plan (SWPPP) with a stormwater management design.
 - The proposed revised site plan was presented by Applicant at the September 20, 2021 meeting of the Planning Board.
 - Applicants, via letter dated September 22, 2021 from Environmental Design Partnership, LLP addressed the comments in the Laberge Group's aforementioned September 13, 2021 letter as well as the proposed site plans.
- By letter dated September 28, 2021, Laberge Group noted the receipt of the foregoing and noted the necessity of ZBA approval in the form of an area variance in order for the project to proceed as intended.

Discussion of Potential Environmental Impacts

The Town of Schodack Planning Board has carefully considered all potential environmental impacts associated with the Project. Below is a discussion of those potential impacts, set forth in the order in which they appear in the New York State Department of Environmental Conservation's ("NYSDEC") SEQRA Full EAF Part 2.

The Project is a SEQRA Type I action. NYSDEC's SEQR Handbook specifically addresses whether an environmental impact statement ("EIS") is always required for a Type I action. According to NYSDEC, "the lead agency must evaluate information contained in the EAF, and additional applications, filings or materials, against the criteria in [6 NYCRR] 617.7 to make a determination of significance for each Type I action. SEQR responsibilities for Type I actions may be met by a well-documented, well-reasoned negative declaration."

The materials submitted in support of the Project Sponsor's applications were generated, at least in part, by licensed engineers and/or qualified consultants. The conclusions and suggested impact avoidance measures proffered by these professionals were based on established engineering principles, industry standards, NYSDEC and technical data, which have been verified by the Planning Board's own professional engineer and were done over a significant period of time. The Town's planning staff and the Planning Board members, several of whom are professional engineers, also carefully and thoroughly reviewed the application and the EAF, including the technical reports.

During the course of the Project's SEQRA review, the Planning Board, Town Planning staff, the public and the applicant's representatives engaged in an active and comprehensive evaluation of the Project Sponsor's submissions. As stated by the NYSDEC SEQR Handbook, "the lead agency may make a request for any additional information reasonably necessary to make its determination." Questions were asked, clarifications and revisions were requested, and responses were provided.

The Planning Board and its consulting engineer have assessed each of the potential SEQRA-related impacts, identified its magnitude and determined the potential impact's importance.

Lastly, the Planning Board has reviewed the criteria for determining significance contained in 6 NYCRR Part 617. This evaluation, which is based in the same information supporting its conclusions regarding Part 2 of the Full EAF, confirms the Planning Board's conclusion that a Negative Declaration of Significance should be issued for the Project.

Discussion of 6 NYCRR Part 617 Criteria For Determining Significance

The Town of Schodack Planning Board has evaluated the Project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(I) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). NYSDEC's SEQR Handbook provides "that not every conceivable impact needs to be considered; speculative impacts may be ignored."

As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(I), the Project will not have a significant adverse impact on the environment.

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

The proposed project will not have a substantial adverse change in existing air quality as there are no emissions.

The proposed project has been designed to have no effect on ground or surface water quality or quantity. A SWPPP will be prepared, reviewed and will be approved when appropriate.

The proposed project will not have any appreciable effect on traffic or create any noise issues. The equipment proposed on site generates very little noise and is placed far enough away from any property/lease lines that it will not be audible. The project generates no traffic except that generated during construction and/or maintenance activities.

There will not be a substantial increase in solid waste generation. The project does not generate any solid waste during its operation.

There will not be a substantial increase in potential for erosion, flooding, leaching or drainage problems as the stormwater system and grading were designed in accordance with the applicable standards and a stormwater analysis will be included in the SWPPP for the project. The proposed grading of the site will prevent substantial erosion after completion and during construction erosion control measures will be employed to minimize it as well.

- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

While the plan does remove some existing vegetation, a portion of the site is being retained in its natural state as delineated on the plan. A USACOE permit will be obtained for wetland disturbance, which has been represented to the Board will be obtained without issue. Since the site is part of a larger suburban/rural setting, any existing fauna will re-establish themselves in adjacent areas. The project will not have substantial interference with the movement of any resident or migratory fish or wildlife species; it will not have any impacts on a significant habitat area; there are no substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; and there are no other significant adverse impacts to natural resources.

- (iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;

The project is not part of a critical environmental area.

- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

Although the project does not create a material conflict with a community's current plans or goals as officially approved or adopted, it has to be noted that the variance sought is quite significant in that 200 feet is required and 25 feet is sought.

- (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

The project does not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. The State Historic Preservation Office was consulted and found that the project would have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places. While the proposed use will remove agricultural land from production, the removal is limited to the lease term for the solar facility. Adjacent lands will remain accessible for agriculture. At the end of the lease, solar equipment will be removed and disturbed soils restored.

- (vi) a major change in the use of either the quantity or type of energy;

The project will not create a major change in the use of either the quantity or type of energy. It will in fact produce electricity.

- (vii) the creation of a hazard to human health;

The project will not create a hazard to human health. It has been designed in accordance with applicable regulations and standards.

- (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

- (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The project will not encourage or attract a large number of people.

- (x) the creation of a material demand for other actions that would result in one of the above consequences;

The project will not create a material demand for other actions that would result in one of the above consequences.

- (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

The project will not create changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

- (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The project does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision, even when the lot line adjustment is factored.

Conclusion

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

Aubin moved; LaVoie seconded to give a positive recommendation to the Zoning Board of Appeals.

Laberge Letter Dated : September 28, 2021

Revised Site Plan Preliminary Review

Green Dale Solar

SPB # 2020-28

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

- Response letter from the Environmental Design Partnership, LLP (EDP) to the Laberge Group 9/13/21 review, dated 09/22/2021.
- EDP, Proposed Site Plans for Green Dale Solar Farm Green Dale Solar LLC plan sheet 1 thru 10 of 10, dated 01/22/2021 revised to 09/02/2021; and
- EDP Proposed Site Plans for Green Dale Solar Farm Green Dale Solar LLC plan sheet E-100 (Electrical Details by Others) dated 01/22/2021 revised to 09/02/2021.

Based upon the latest submission by the applicant, we offer the following comments:

1. The applicant has indicated that the following will be provided for additional review should the project advance successfully through a future Zoning Board approval:
 - a. A revised storm water pollution prevention plan with stormwater management design; and
 - b. A revised project phasing plan.
2. The plans should indicate the date of the latest revisions.
3. The Type "C" overland flow dispersion device option should be removed from the plans to avoid potential future confusion as to its permitted use.

Therefore, based upon the latest submission by the applicant and the foregoing comments and acknowledgements, we recommend that the project review be placed on hold until the Zoning Board of Appeals makes a determination regarding the variance request to allow for the proposed project to extend solar arrays into the 200-foot rear yard setback.

By: _____
Philip E. Koziol, P.E.
Project Manager

PEK: jkb

C: David B. Harris, Supervisor
Craig Crist, Esq., Planning Board Attorney (via email only)
Gillian Black, Eden Renewables, Green Dale Solar, LLC (via email only)
Norman Ward, RLA, EDP (via email only)

ADJOURN

LaVoie moved, Leonard seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 7:54 p.m.

Respectfully submitted,
Melissa Knights
Assistant to Director of Planning & Zoning

