



Plavchak said the Planning Board was looking for more details on the landscaping.

Ann Waling, representative and zoning manager for the New York chapter of Cypress Creek Renewables, made a presentation of the company she represents and on exactly what they are proposing for the solar farm. She explained that the height of the poles would be about 40 feet tall with a three-phase line. She described what and where the buffers on the parcel would be.

Plavchak asked if there were any questions from the public.

Steven Dunn of 141 Perkinsville road asked if an environmental impact statement had been done and if they had compared to any other northeast solar farms.

Plavchak responded that the environmental impact statement is something that the Board does before there is even a public hearing. The town engineer is also involved to make sure everything is done to the correct specifications.

Anthony Machin, 143 Perkinsville Road, asked why a commercial project was going to be proposed in a residential neighborhood.

Barton explained that the zoning laws allow it. He explained that approximately a year ago the Town adopted a zoning ordinance that would allow solar farms in all residential and agricultural zones.

Machin asked with all the abandoned commercial property in the Town why they would target a residential property for a solar farm.

Plavchak said it was not targeted but rather the zoning allows it.

Machin said the Northern Cricket Frog, which is endangered, lives in this area. He wanted to know if they were aware of that when they did the environmental impact study.

Barton said yes, that they did a full environmental and biological impact study. The Northern Cricket Frog is protected from any kind of development at certain times of the year, so at certain times, development will cease.

Waling stated that the primary factor of their decision as to where to site the solar farms, in addition to open available land, is if the interconnect is suitable for the solar farm. They know whether it is suitable by doing a system impact study. There are many spots that seem like they could be a great fit but they may not be an affordable location.

Fred Schmalkuche, 144 Perkinsville Road, asked what the size of the proposed planted trees will be.

Waling said they would be planted at three feet high and would grow to a height of five feet. They will also leave some of the big buffer trees surrounding the property.

James Podeszedik, 173 Perkinsville Rd, said he is worried about what the solar farm will do to his health, the storm water runoff, as well as the property values in the area.

Andy Learn, Morris Associates, said they are in the process of reviewing the storm water runoff. The SWPP (Storm Water Prevention Program) will show and provide calculations of the flow of the water before and after a project is completed to make sure there is no change in flow rate.

Ann Waling stated that solar farms are very safe.

Dan Fisher, Pomeroy Appraisers, said studies have shown that property values stayed the same after a solar plant was constructed near residential neighborhoods.

Georgina Fisher, 142 Perkinsville Rd, asked who will absorb any of the taxes caused by the proposed project.

Patti Brooks, Brooks and Brooks Land Surveyors, said the underlying landowner will still be paying taxes on the underlying land and improvements on it. The assessed value of the overall

property will not be reduced. The only thing that the tax abatement is on is the value of the improvements that are newly being constructed on the land. Windgate Solar will be applying for a pilot which is a payment in lieu of taxes. They still will be making a payment to the community, and they will not be coming off the tax rolls. None of the tax burden will be spread around to the surrounding property owners.

Waling additionally said that there will be no more children as a result of the project that will burden the school system. It will also be a low traffic volume project; no water being used or garbage being created.

A **Motion** was made by Carl DiLorenzo, seconded Fred Pizzuto to extend the public hearing. All ayes.

**Highland Estates LLC Subdivision and Lot line**, 3746 Route 9W, 96.9-1-30.100, in HBD and R-1 zone.

The applicant is proposing a two lot subdivision of a 19.85 acre parcel of land located on Route 9W, Macks Lane and Sherwood Lane. The application includes a consolodation of a 0.40 acre parcel of land with the commercially zoned portion of TM lot 35.2. The property has approximately 450 feet of road frontage on NYS Rt. 9W, 715 feet of road frontage on Macks Lane and 390 feet on Sherwood Lane.

The site is located in the zoning district HBD and R-1. It is proposed to use the zone line as the division line between Lot 1 and Lot 2 of this subdivision, with residential access solely from Sherwood Lane.

The area of the proposed lots are as follows:

- 1) Lot 1 to be 7.44 acres plus 0.40 acres, totaling 7.84 acres in the HBD zoning district.
- 2) Lot 2 to be 12.41 acres in the R-1 zoning district.

A **Motion** was made by William Ogden, seconded by Carl DiLorenzo to open the public hearing. All ayes.

Plavchak asked if there was anyone present from the public to speak about the proposed project.

A **Motion** was made by William Ogden, seconded by Fred Pizzuto to close the public hearing. All ayes.

Patti Brooks, Brooks and Brooks Land Surveyors and applicant's representative, presented an overview of the proposed subdivision.

A **Motion** to accept the resolution of approval was made by Carl DiLorenzo, seconded by Lawrence Hammond. All ayes.

### **Extended Public Hearings**

**Beer Universe**, 1-3 Haviland Rd, 96.1-1-29.100, in GC zone.

The applicant would like site plan approval to construct a retail store for his Beer Universe business. The retail/service will be 5,750 sq. ft. and the warehouse-wholesale sales/storage portion will 1,000 sq. ft. The applicant is proposing 24 parking spaces, creating new sidewalks and site landscaping.

The public hearing was opened July 27, 2017.

Plavchak asked if there was anyone present from the public to speak about the proposed project.

A **Motion** to close the public hearing was made by Lawrence Hammond, seconded by William Ogden. All ayes.

A **Motion** to accept the resolution of approval with the condition that a maintenance agreement for the sidewalk and landscaping proposed within the Town ROW should be provided for review and approval by the Town Attorney was made by Lawrence Hammond, seconded by William Ogden. All ayes.

**Tremont Hall Corp.**, Vineyard Ave, 88.17-9-48, in R1/4 zone.

The applicant would like to convert an existing vacant 9600 square foot lumber storage building into a multi-family residential structure with 20 apartments, with associated parking and amenities.

Andrew Learn, Morris Associates, spoke about the adequate load rating of the bridge.

Plavchak asked if there were any comments from the public about the proposed project.

There was a discussion on Adaptive Reuse zoning as it pertains to the proposed project, where the water/sewer connection would be, how apartments may diminish the aesthetics of the rail trail, and the concern over additional traffic. Residents explained that they would like to see development in Town geared more towards creating more of an enticing tourist location.

The Planning Board explained that they are an administrative board whose duty is to enforce the laws, not make them. Some of the concerns that residents expressed need to go in front of the Town Board which is the legislative body that makes the laws.

Plavchak and Pizzuto explained the Adaptive Reuse Law, expressed their concerns with it and would like to see the Town Board to readdress the law. That being said, Plavchak explained that the applicant and the proposed project fall under the existing law as it is written.

DiLorenzo explained that the Town Board has localized the density in the Town through the Comprehensive Plan to accommodate the economic feasibility of the local businesses.

Residents inquired why the Planning Board could not just deny the project on the basis that they believe it would not be good for the Town.

Rob Stout, Town Land Use Attorney, explained that the Planning Board's role is to enforce the already established zoning laws. The applicant could file an article 78 against the Town if it was felt the project was denied unfairly and not according to the existing laws. Stout explained to the residents what an Article 78 is and what it entails.

A **Motion** to close the public hearing was made by Carl DiLorenzo, seconded by William Ogden. All ayes.

A **Motion** to accept the resolution of approval with conditions was made by William Ogden, seconded by Carl DiLorenzo.

**Roll Call:** Hammond, aye; DiLorenzo, aye; Pizzuto, aye; Ogden, aye; Dooley, aye; McCord, aye; Plavchak, nay. **Six ayes carried.**

### **Administrative Business**

**Mountainside Woods Phasing Amendment**, Hilltop Ln. & Vista Dr.; Zoning and Subdivision. Applicant desires to amend the phasing plan.

Second Addendum to Revised Developer's Agreement received.

A **Motion** to accept the resolution of approval with conditions was made by William Ogden, seconded by Fred Pizzuto. All ayes.

A **Motion** to adjourn was made by Pizzuto, seconded by Bill Ogden. All ayes. 10:47pm