

January 24, 2019

PINE PLAINS PLANNING BOARD MINUTES
WEDNESDAY, January 23, 2019
7:30 PM

IN ATTENDANCE: Michael Stabile, Chairman
Steve Patterson
Jane Waters
Peter Salerno, Alternate

ABSENT: Dick Hermans
Ken Meccariello
Kate Osofsky
Vikki Soracco

ALSO PRESENT: John Hoffman, Alternate
Sarah Jones, Town Board Liaison
Warren Replansky
Three Members of the Public

Chairman Stabile opened the meeting at 7:30 pm with a quorum present.

Approval of Minutes: Stabile asked if the board had any further corrections to previous minutes. Motion by Waters to approve the minutes, second by Patterson, all in favor, motion carried.

Fulton Rockwell Timber Harvest: Public hearing was called and read by Stabile at 7:35pm. Representative from J&J Log and Lumber Corp., Jill Humphreys, came forth to answer any questions from the public. One member of the public, Jim Petrie, asked the representative, Humphreys, to show exactly on the map where the work would be taking place. After looking at the map, it was determined that his property would not be affected. Waters asked if the entry on Schultz Hill Road will be within the set back that is required from a property line for timber operations and if it is fifty feet, will a variance be needed from the zoning board. Replansky said that will be determined by Drew Weaver, the ZEO. Another member of the public, John Henry Low, commented that he has two lots adjacent to the proposed lots to be timbered. He previously tried to find information on the DEC website concerning J&J's record of complaints and/or violations,

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but this requires a FOIL process, which he did not have time to complete. He asked Humphreys if she could provide this information to him. Humphreys explained that she is new with the company and does not have all the information but explained that everything is done carefully and all the loggers are seasoned in the field. Humphreys mentioned one current violation, not pertaining to tree harvesting. Low then asked if a licensed surveyor would be marking out the property lines since he feels the property lines are confusing. Humphreys mentioned that on Low's property there is a stone wall and a 200 foot incline, that they were having trouble outlining, but they did find one PIN, but are lacking the other, if Low has any knowledge to its whereabouts it would be helpful. J&J were not planning on hiring a surveyor and if they do not know the exact property line, they stay fifty feet and/or a tree length back. Some of the trees have already been marked, but not on the boundary in question. Low then asked if Rockwell would be coming out and monitoring the work, to which Humphreys said he does quite frequently. Low then asked how Rockwell's health is, to which the board decided, is an inappropriate question for this forum. The board did note Low's concern with the boundary issue. Humphreys said they were using a GPS map for property lines to which Low said a GPS system is not as accurate as a licensed surveyor. Low also requested the board receive a record of J&J's track record or violations and complaints. Replansky then let Low know he can obtain that information from the DEC. Waters mentioned there is a letter in the application from the DEC approving the work. Low would like to request a wider buffer than fifty feet from the property line. Replansky suggested that a condition be placed that once the trees and boundaries are marked that Low would be notified and could go out and review the proposed work himself to approve and if there is any reasonable doubt that it is approaching Low's property line, the application will need to come back to the board to reexamine the boundary line/buffer zone. Low would like to see a higher protection from the land owner, as he is not a professional surveyor and would like not to hire one, as this project has no economic benefit to him. Waters pointed out that fifty feet is the buffer that is in the law and it is too much to make individual exceptions. Humphreys said there are water bars put in place for this reason and that no actual operations would be taking place in that area; therefore, it would not be muddy or ruddy. Low brought up that this property has been logged several times and every time there is issue with the logs, stumps, and general appearance. He also mentioned that it is severely rutted every time. Waters brought up the water bars again and Humphreys also mentioned that they back drag areas to

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avoid ruts and that the previous work was not done by her company. Stabile asked for a motion to close the public hearing at 8:17pm. Motion by Waters, second by Patterson, all in favor, motion carried. It was determined at the end of the meeting that J&J Log and Lumber Corp also need to submit a new DEC short form EAF (environmental assessment form). Replansky recommended holding open the public hearing, motion by Salerno, second by Patterson, all in favor, motion carried.

1133 Taconic LLC: Stabile brought up that 1133 Taconic LLC did not have any sort of DEC review beyond the archaeological letter previously submitted. Replansky mentioned that this is in our statutes and they will need to update it. This information will be needed before the resolution can be passed. Hoffman brought up that adding the district to the resolution would be helpful.

Solar Law Committee: A solar meeting was held on January, 14th, 2019. Stabile and Hoffman are both on the committee. The committee is working on a three tier system. Residential and commercial roof panels for onsite use would be considered tier 1, residential and commercial ground mounted panels would be tier 2. There is also agricultural, which is governed by ag and market with a 110% usage cap which means it is considered noncommercial if during an energy audit the capacity does not exceed 110% of the site's electricity needs. It was discussed that further restrictions such as set backs and screening would take place in the hamlet for tier 2. Tier 3 would likely not be allowed in the hamlet. The third tier is a commercial for profit solar farm where the energy is sold to the electric company or customers. Reasonable and legal boundaries will need to be figured out. Waters asked if any other town's laws were being reviewed for a model. Hoffman said yes, they looked at the town of North East and Rhinebeck. The general consensus is that Rhinebeck's laws are bit too restrictive. Waters asked if it would be possible for residents who cannot use their property for panels to buy into a solar farm. There is discussion about having the former landfill as a solar farm location which could then be sold to individuals. Hoffman said the solar farm could potentially be used as a source of income for the town, but the town would need to send out an RFP. Stabile mentioned that traditional community solar is when a company builds a solar farm, feeds it back into the grid, and then sells it to residents. This would be considered a tier 3 entity separate from the town owned landfill idea. Hoffman discussed density bonuses and setback requirements, which could be waved, if neighbors joined together, example five lots in a subdivision, wanting ground mounted solar power. The planning board would

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handle tier 2 and 3 applications through the site plan approval process. The ZEO will be handling tier 1 through a streamlined process. No proposed language has been set at this time and will most likely be the next step. Town Liaison, Jones, brought up that one issue is whether free standing should be allowed in the village. She said there shouldn't be an issue if the lot is big enough and a public hearing and permit take place.

Other Business: Stabile welcomed back Peter Salerno and John Hoffman to the board as alternates and thanked the rest of the board for serving again. Stabile also asked the board to be on top of their training for the coming year.

Motion to adjourn the meeting by Patterson at 8:37pm, second by Salerno, all in favor, motion carried.

Respectfully submitted by:

Tricia Devine

Michael Stabile