

November 11, 2022

PINE PLAINS PLANNING BOARD MINUTES
Wednesday November 9th, 2022
7:30 PM
In Person and Zoom

IN ATTENDANCE: Michael Stabile, Chairman, in person
Al Blackburn, Alternate, in person
Scott Cavey, Alternate, in person
Ethan DiMaria, in person
Kate Osofsky, in person
Steve Patterson, in person
Vikki Soracco, in person

ABSENT: Ken Meccariello
Dick Hermans

ALSO PRESENT: Warren Replansky, Town Attorney, via Zoom
Drew Weaver, ZEO, in person
Sarah Jones, Town Liaison, in person
George Schmitt, Town Engineer, in person
Brian Keeler, The Stissing Center
Marie Stewart, The Stissing Center
Doug Larson, The Stissing Center
Andrew Gordon, Carson Power
Erik Hutchinson, Ceen Properties, LLC
Wesley Chase, Applicant's Surveyor
Two Members of the Public, in person

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

The Stissing Center Site Plan Amendment: Stabile asked for the applicant to give a brief review of the application. Keeler said this was their third time back to the planning board, the first being in December of 2016, with approval in January of 2017. Keeler said they secured the property next door in 2018 and came back for their first amendment to move utilities to said property next door. They are presently before the planning board for five amendments to their original site plan. Keeler said there was a site visit earlier that day where the planning board had the opportunity to see each of these amendments.

The first amendment is for a fence around their utilities. The second amendment is to move a previously approved handicap parking area from behind their building to behind the building

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next door. The third amendment is for approval of lights that were to be on the back of the building to now be moved to the east side of the building. The fourth amendment is for a right-of-way sign. The final amendment is for a pergola and lighting on the east side of the building - this would replace the previously approved porch.

Stabile asked if any board members had any questions or discussions regarding the site visit. Soracco said she thought the front porch was going to be included and was it taken off. Stewart replied that it was taken off.

Stabile said the one thing he is concerned about is the driveway as it is too extensive of a process to get the right-of-way approval from the DOT. Because of this it will be an informal arrow.

Schmitt said he didn't understand why the right-of-way on the site plan is labeled DOT setback 30 ft. Schmitt said that confuses him because the DOT does not have a setback. Schmitt asked what that line is because the survey shows a property line. Larson said it denotes the right-of-way and Schmitt replied then that is your property line. Larson said no, the DOT setback is from the center line of the road. Schmitt said if the DOT has a right-of-way they own it, therefore the word choice is confusing.

Chase said it's confusing because when The Stissing Center bought the property the deed went nearly to the road, which is a state road. Chase said the issue is that the road was once the Salisbury Turnpike and 200 years ago turnpikes were wider. So the question is where the center of the turnpike was two hundred years ago. This is probably where the DOT feels the right-of-way was and why that line exists.

Schmitt reiterated that the DOT does not have setbacks. Schmitt said they could stay away from involving the DOT but not having the one-way sign since it is an existing driveway. Schmitt did say it being a two-way access point is problematic because of the site distance. Schmitt said without identifying how the entrance works he is not sure how to advise the board in relation to a traffic issue. Schmitt said if the DOT is not involved then the board is taking the responsibility. Larson said they are dropping the one-way request. Schmitt said if it's not labeled as a one-way then it is automatically a two-way. Schmitt said it could become an issue when doing the SEQOR and not having any input from the DOT.

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Stabile asked Replansky for his comment and Replansky replied that he agrees. Stabile said the issue is that the people parking in the handicap parking lot will need to walk along the building or diagonally to get to the other side of the building for the handicap entrance. Replansky then said he's not sure what the issue is and asked Schmitt to explain. Schmitt said the sign is behind the right-of-way line. Since it is behind the line on their own property the DOT doesn't have a review to issue. Schmitt also said there is sight distance issue with the tree near the driveway. Stabile said they observed the tree on the site visit and it is trimmed which allows a decent view. Stabile said he is more concerned with people pulling into the driveway and not seeing the people walking. Schmitt said if the board has been on a site visit and is comfortable then it is fine. He suggested the board state their reasons and why it does not need to be submitted to the DOT so that it is clear and that no precedent is being set.

Replansky asked Schmitt if he is suggesting it be submitted to the DOT for their input. Schmitt said to the extent that is an entrance being modified by this site plan the DOT would have review authority. Schmitt said the planning board also has the authority as lead agency. Replansky said he is comfortable with that if the board is.

DiMaria asked Keeler to explain why they opted not to do the one-way. Keeler said they did contact the DOT and were told to have a one-way in there would need to be a one-way out. Keeler said they own the driveway that would be the one-way in, but the one-way out is owned by The Stissing House. There is a mutual use agreement written into the deed so that there is access to the driveway. Because of this The Stissing Center cannot designate it to be the one-way out. Keeler said they discussed putting up a "private" sign and an "exit" sign in the parking lot to encourage people to go out that way. Schmitt said an "exit" sign would be fine but a one-way sign would not be.

Soracco said she had an issue with it at the last meeting because of the sign but now that the tree is trimmed and the sign will be moved back to be further or even with the tree, she feels better about it now.

Schmitt said it is a case-by-case basis and since the planning board did a site visit and it's an existing driveway, it does not need to go to the DOT like a new driveway would.

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Soracco suggested a railing, instead of the current box, for the pedestrians walking on the stairwell. Soracco said that would give better sight for the cars pulling in.

Stabile asked if installing a metal railing was in the plans and Larson agreed it was a good solution. Stewart said it hasn't been an issue thus far and is currently used as an entrance and exit.

Stabile asked if there were any questions regarding the fence around the utilities. There were none.

Stabile asked about the roof on the proposed pergola. Larson said they originally proposed a porch because they thought they would be using the adjacent lawn for concerts but that isn't the case now. In lieu of the large porch they would now like to install a pergola. Larson said the posts are there, since they are an extension of the handrail posts, and they would finish it and add lights. Larson said there is currently a slope grade roof there. Stabile asked how far out the roof would be from the building. Larson said to the posts, so roughly 3 feet. Larson said it won't land in front of the door and there is a gutter that has downspouts that pools into a catch basin from the gravel that then leads to a large drywell. Larson said it is already installed but they would just need to connect to it.

Stabile asked Weaver if he had any comments. Weaver said the current site plan shows asphalt but he thought pavers were now going to be installed. Larson said permeable pavers had previously been approved. Larson said they had the ground tested and it drains very well. He said they would prefer now to do the asphalt since it is less expensive but if they are doing a one-to-one swap they would need to stay with the pavers or do new drainage calculations. Larson said they are open to what the town engineer and planning board would prefer. Larson said the asphalt would be less expensive and better for mobility challenged people. Stabile asked Schmitt his opinion. Schmitt said it is a small area of asphalt and not a large contributing area. He agreed permeable pavers are harder for mobility challenged people to walk on or have a wheelchair on. He doesn't feel drainage calculations are needed on the site plan since it's less than an acre of disturbance.

Larson said there are three catch basins, including a very deep one that takes the subterranean drainage from those areas. Larson said the apron in the right-of-way is already asphalt.

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Keeler said the rest of the parking lot would be gravel.

Stabile asked if the town ever got to put in sidewalks would that be included in the state's right-of-way? The Stissing Center representatives replied yes. It was discussed how sidewalks on that side of the street would be welcomed.

Stabile asked Replansky what was needed procedurally to move forward. Replansky replied that a public hearing was discretionary and if all the changes were shown on the plan, then there would be a resolution approving the site plan.

DiMaria said he felt a public hearing was necessary considering the size and time of the project.

Stabile asked if these changes really warranted a public hearing. DiMaria said maybe, maybe not, but given the history of the project, and the changes that have happened, he feels there should be one.

Stabile asked how the rest of the board felt. Patterson and Osofsky recused themselves since they are involved with The Stissing Center. Schmitt said the board needs to decide if the amendments rose to a level that would change any of the site plan, SEQR, etc. that was previously approved.

Stabile said the only item he could see causing an issue is the entrance, but that is already there and being used. The only difference would be the handicapped parking being moved. Stabile doesn't feel that is a big enough change to warrant a hearing. Blackburn agreed. Soracco agreed with DiMaria that there have been many changes since the original.

Replansky said a 239M referral to Dutchess County Planning would need to be done.

Replansky asked if The Stissing Center was looking to start the work this year. They replied yes. Stabile said he wasn't looking to vote on it this month but a public hearing would put it out for two months. Replansky said he could have a resolution ready to go for the next meeting. Replansky said if a 239M referral is needed anyway that a hearing could be set and the resolution could be passed at the next meeting.

Replansky asked if any changes were going to be made to the site plan as submitted based upon the board's input. Stabile said there would be one minor change and Schmitt said to the

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narrative, not the site plan. Replansky said since there is debate with the board whether a hearing should be held or not then it is better to air on the side of caution and have one.

Stabile asked for a motion to conduct a public hearing on December 14th at 7:35pm, motion by DiMaria, second by Soracco, majority in favor, motion carried.

Replansky asked if a SEQR was done for the original approval of the project. The board replied yes. Replansky suggested the resolution state that there are no changes to the site plan that would require redoing the SEQR, environmental review, or supplemental environmental impact statement. The board agreed.

Carson Power: Andrew Gordon from Carson Power went over the tier 3 preapplication sketch plan that they are looking to have on Bean River Road directly behind the Pulver's Corner substation. Gordon said the way the state regulates community solar projects is that they need to be broken down into 5 megawatt independent POIs (points of interconnection).

There will be a three-phase distribution line that will run off the Pulver's Corner substation.

Gordon said it will be a gravel road off Rt 199 leading to the substation. There will be a curb cut there with a series of utility poles with the interconnections on top. From the poles there will be a medium voltage line that will be trenched underneath the access road. Everything will be underground, except where it needs to come out of the ground to tap into the grid.

Soracco asked where the driveway will exist. Gordon replied that it will be west of the substation.

Stabile asked where the curb cut will be. Gordon said it would be directly in front of the utility poles. Osofsky asked if they have a driveway approval and Gordon replied that they will need to get one. Osofsky expressed concern over that area of the road. Gordon said when construction is going on someone will be out in the road monitoring the trucks coming and going and that once the project is completed there is very little maintenance needed and therefore little traffic.

DiMaria asked the estimated project time. Gordon said they would need to start when the ground is not frozen, so they would hope to start in April and be completed by September. DiMaria

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asked if the road access would only be significantly used during the building process. Gordon said it would not be used frequently, just for lawn mowing and/or tree trimming. Gordon said the production of the site is monitored digitally. Osofsky asked why they wouldn't go in through the field and Stabile agreed, why not use Bean River Road. Gordon said the slope off Bean River Road is too severe. Stabile asked about the logging road to the west. Gordon said it came down to a nuance with having the two systems and needing to be situated on separate parcels. Stabile asked the logic behind the separate parcels. Gordon said it is a requirement but they could do a consolidation of the two parcels and then a courtesy subdivision where each system is identified with an independent tax ID, however Dutchess County wasn't willing to entertain the courtesy subdivision. Gordon said the board could speak with the town's assessor regarding it. Stabile said a lot line adjustment would be needed then. Gordon said they usually suggest the lot line adjustment run down the middle of the access road.

The board then went over renderings with Gordon of what the project will look like from different areas, Rt. 199, Bean River Road, etc.

Gordon said the way the project will be situated it will not be able to be seen from the road or any residences, etc. The only visual impact would be the curb cut and gravel road.

Jones asked about the view from Bean River Road. The project will also not be seen from it.

Stabile asked what was to the west of the property. Gordon said immediately to the west was a wooden area.

Stabile asked if you were on Schultz Hill Road and looked to the east would it be visible. Soracco asked if it would be visible from Globe Hill. It was determined probably not. Patterson said he wasn't sure about the lighting and if it would be visible. Osofsky asked if it would be lit at night and Gordon replied that it would not be lit at night.

Stabile went over the letter from Schmitt stating the requirements from the solar law (see attached). Stabile asked about the stormwater prevention plan. Schmitt said it was the standard stormwater prevention plan for any construction and a permit will be required. Gordon said he did speak to Weaver about it prior to the meeting but felt it was not something to be included in the preapplication but knows it would be needed

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prior to going into construction. Stabile asked Schmitt about the pad mounted poles. Schmitt said a lot of times on these solar projects the poles seem to be the most visually impacted item because they cannot be screened and there is nothing that can be done. Schmitt said sometimes a utility company can substitute some pad mounting for some poles and reduce the number. Stabile asked what a pad mount is and it was explained it is a concrete pad with a cabinet on top. Stabile asked if it was more expensive and Gordon replied that it was.

Stabile asked if there was any fencing. There is a proposed seven-foot-high fence. Weaver said the zoning law says 6 feet. Stabile asked if it was required by the state and Gordon said it typically goes by the zoning law and they can do six feet fence. DiMaria asked them to specify the type of fence. Gordon said it would probably be chain link. Stabile asked the distance from the trees to the perimeter fence. Gordon said they would try to keep it at 70 feet.

Stabile asked about wetlands. Gordon said there is a federally mapped wetland, but the maps are old, so they sent a third party on site that found no wetlands on the property. Schmitt said if that is the finding then it would need to be added to the record. Gordon said it would be included with their full application.

Stabile asked Gordon to describe the solar program with the state. Gordon said it is a community based solar program where residents in the community can subscribe and purchase energy from the system. New York State has an incentivized program called New York Sun to facilitate those certain projects based on dollars and the size of the system. Because of the recently passed federal regulations NYS is pausing the program at the end of the year. Because of this Gordon said they are looking to get started in this year's program rather than wait with uncertainty of when NYS would start the program again. Stabile asked if they need conditional approval and Gordon replied yes and a complete SEQR.

Stabile asked Replansky to instruct the board on the process since the solar law is new. Replansky said he does not think this could be approved by the end of the year since we are only at the preapplication stage. Replansky asked if it was in the ag district and Gordon said a portion of it is. Replansky said then an ag data statement would be needed. Replansky said Gordon needs to submit his site plan/special use permit application and does not see how it could be approved by the end

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of the year. Replansky asked Schmitt his opinion and Schmitt also felt there wasn't enough time. Replansky said this is the first application under the new law and we need to make sure to follow the process and do it right. Gordon said they do have a lot of the materials that are needed and that they will go as quick as they can and as quick as the board will let them proceed. Replansky said he was not sure if this would be a Type I Action under SEQR and will need to consult with Schmitt. If it is, it would then require a coordinated review. Replansky is not sure, though, who the other involved agencies would be.

Stabile asked what would be done with the fields. Gordon said they have been speaking with a conservation trust that will likely conserve the rest of the land. Stabile asked if it was lined up yet and Gordon replied no, that is typically something they would line up prior to going to construction.

Ceen Industries, LLC: Wesley Chase, the applicant's surveyor, explained it was the old Dillinger's property that used to be a cow barn behind the old Ford garage. Chase said it is in the ag district. Chase said they got rid of the slurry tank and the silos. Chase said the owners would like to make it a storage facility for boats and campers. The barn has been sided and insulated and made into a space that could house that type of equipment. There will also be storage on the outside for those who do not want a climate-controlled environment.

Chase said they are looking for a change of use from agriculturally based to an outdoor storage facility (equipment storage). Osofsky asked if the applicant received a driveway easement when he purchased the property. Chase replied yes. Chase said there is no state or federal wetlands. Chase said it is in the new light industrial zone in the comprehensive plan.

Chase said there is a concrete pad where the silos were and the rest is gravel. Chase said according to the zoning, 25% of the lot may be used for the gross storage area. Chase said the applicant plans on using 24.5%.

Chase said in terms of lighting, they are at least 200-300 feet from the road and behind other buildings. They plan on lighting on the backside and an 8-foot berm that will go along the property line with evergreen plantings to shade anything that could be seen from afar.

Stabile asked about the lighting features. Chase said they are all LED and downward facing. Stabile asked if they were on the

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building already and Chase replied yes. Stabile said the lights' lumen was higher than they usually like to see. They would prefer 3000 and under. Chase said the hours of operation would be 8am to 5pm so there would probably not be a need for the lights to be on, they would be more for emergency services or if something happened to the building. Stabile asked if there would be security lights. The applicant replied he would like some outside lights.

Chase said the demand for the space is for right now - the winter. Chase said it could be approved as it is now and then add security lights later if need be. Soracco expressed concern regarding surrounding neighbors and bright lights. Chase asked the applicant if he sees any need for outdoor lighting and the applicant replied no. Chase asked the applicant if the lighting was strictly on the building and he replied yes.

Stabile asked if the lights had the ability to change color temperature. Chase replied he did not think so. Chase suggested a night site visit to observe the lighting.

DiMaria asked if the DOT would need to be contacted regarding the curb cut of the driveway onto Rt 199 and the change in use from agricultural to commercial. Chase said other buildings on the property are commercial. Schmitt said any change in use does need to go to the DOT. Chase expressed concern that this could take 6-8 months to have a state engineer sign off on it. Schmitt said it is not within the planning board's purvey to waive a state regulation.

Schmitt said an ag data statement would be required. Stabile asked if it was in the agricultural zone and Chase replied yes because it was a working farm prior.

Chase then asked for the following items to be waived from the site plan: #8 existing proposed contours at a two-foot interval vegetation cover, #11 required parking space calculations, and #26 building elevations and/or sections.

Stabile asked Replansky if he had any comments. Replansky asked if it was accessed over a right-of-way. Chase replied yes. Replansky then asked if there was a driveway maintenance agreement. Chase said he would look into it, but thought it was only a deeded right-of-way. Replansky said he would need a driveway maintenance agreement.

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Stabile asked for a motion to set a public hearing on December 14th at 7:30pm, motion by Patterson, second by Soracco, all in favor, motion carried.

A site visit was set for 6:30pm on December 14th.

Stabile asked for a motion to waive the contour requirement, the parking space calculations requirement, the building elevations, and the vegetation delineation requirement of the site plan, motion by Osofsky, second by Soracco, all in favor, motion carried.

Approval of September & October Meeting Minutes: Stabile asked for a motion to approve the September meeting minutes, motion by Soracco, second by Patterson, all in favor, motion carried. Stabile asked for a motion to approve the October meeting minutes, motion by Patterson, second by Soracco, all in favor, motion carried.

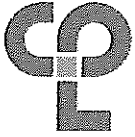
Other Business: Stabile reminded the board to get their four hours of training done. Stabile said the only board member whose term is up is Meccariello and the alternates.

Motion to adjourn at 9:51pm by Patterson, second by DiMaria, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

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Michael Stabile
Planning Board Chairman
Town of Pine Plains
3284 Route 199
Pine Plains, NY 12567

RE: Pulvers Corner Solar Project
Potential Road Dedication

Dear Chairman and Planning Board Members:

Pursuant to your request I have reviewed the submitted materials for the above referenced project. Specifically, I have received a three-page plan set prepared by Bergmann Architects, Engineers and Planners, visual renderings, and certain information from the New York State Natural Heritage Program. The following comments are presented for your use in your review/deliberations of this project.

- a. It is recommended that if the following items be submitted for review, if the applicant has not already done so:
 - i. a site plan application
 - ii. Special Permit application.
 - iii. Full EAF be prepared and submitted.
 - iv. Decommissioning Plan
 - v. operation and maintenance plan
- b. It is recommended that the Board discuss the Visual Renderings provided. Specific attention should be directed to any known potential visual receptors of the proposed solar farm installation. Additionally, sight line profiles from each identified receptor location would be helpful.
- c. the proposed plans indicate as series of utility poles to be installed near the project entrance. Typically, utility poles in this configuration result in visual impacts. The board may wish to request pad mounted equipment be utilized.



- d. It is recommended that an actual signed sealed boundary survey be prepared and submitted.
- e. It appears that two separate tax parcels (currently in common ownership) are involved in this project. Furthermore, it appears the lots will be merged and then subdivide to accommodate the proposed project. If this is true, a proposed subdivision map will need to be prepared and submitted for review.
- f. The proposed access driveway meanders along and across the proposed boundary line shown. It is recommended that an access easement be included as is necessary to allow for the continued and uninterrupted use of the proposed access driveway in the event one or more of the parcels are sold out of common ownership.
- g. It is recommended that an actual topographic map be prepared and submitted. Said map should be prepared at a two foot contour interval, based on actual field mapping and also be signed and sealed by a Licensed NYS Land Surveyor.
- h. It is recommended that a grading plan be prepared for the proposed site improvements.
- i. It is recommended that a Stormwater pollution Prevention Plan be prepared and submitted.
- j. A review of the submitted materials as well as available online resources indicate that federal wetlands exist on within the project site. Additionally, the site soils tend to include minor components that are identified as Hydric soils. Hydric soil type classification is an indicator of freshwater wetlands. Given the site topography and the presence of the mapped wetlands, it is recommended that an actual field delineation be performed by a qualified professional.
- k. Full construction details should be included with the design plan set.

If you should have any questions regarding the information contained herein or other aspects of the project, please do not hesitate to contact me in our Hudson office at (518) 267-3290.



Very truly yours,
CPL

George Schmitt.
Senior Engineering Project Manager

cc: Warren Replansky, Town Attorney