

January 12, 2023

PINE PLAINS PLANNING BOARD MINUTES
Wednesday January 11th, 2023
7:30 PM
In Person and Zoom

IN PERSON ATTENDANCE: Michael Stabile, Chairman
Al Blackburn
Scott Cavey, Alternate
Ethan DiMaria
Dick Hermans
Helene Marsh, Alternate
Kate Osofsky
Steve Patterson
Vikki Soracco

ZOOM ATTENDANCE:
(Members attending via Zoom do not count towards the quorum or voting.)

ABSENT:

ALSO PRESENT: Warren Replansky, Town Attorney, in person
Drew Weaver, ZEO, in person
George Schmitt, Town Engineer, in person
Sarah Jones, Town Liaison
Brian Walsh, Town Supervisor
Jim Smith, Deputy Supervisor
Andrew Gordon, Carson-Power, in person
Eric Redding, Bergmann Associates, via Zoom
Raquel Parks, Carson-Power's Attorney, via Zoom
Cory Clanahan, Applicant
Nicole Clanahan, Applicant
Two Members of the Public, in person

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

Stabile went over the 2023 appointments and reappointments. Al Blackburn is now a regular member of the board, but still needs to be sworn in, so will only be observing during the meeting. Scott Cavey is now alternate #1 and Helene Marsh has joined the board as alternate #2.

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Ceen Properties, LLC: Stabile said a public hearing was held last month and a resolution has been drawn up. Stabile asked Replansky if he had received a driveway maintenance agreement. Replansky replied he had and has approved it.

Stabile then went over part II of the SEQR form with the board (see attached).

Stabile then read the resolution (see attached).

Stabile then asked for a motion to accept the resolution, motion by Osofsky, second by Soracco, all in favor, motion carried.

Carson-Power: Andrew Gordon from Carson-Power said the public hearing is in a week so he was not there looking for any SEQR procedures but wanted to give a few updates.

Gordon said Stabile had asked him about the tree clearing. Gordon said he did not have an exact number of trees, but they estimate 50-75 trees per acre. He said the area was already logged about 10 years ago and the remaining trees were not logged for some reason. Gordon said within the fence line it is almost 20 acres, which would equal 1000-1500 trees that will be coming down. Along the perimeter of the fenced in area there will be some trimming and clearing to prevent shading of the system, roughly 5-10 acres. Later into the process there will be a slope analysis to see what needs to be trimmed to prevent shading on the solar system. Any tree that doesn't need to be trimmed or cut will not be. Gordon said the access road is already cleared but some additional trimming may be needed to widen the road.

Hermans asked if they would be selling the wood. Gordon replied no, it would be disposed of, most likely chipped on site.

Stabile asked if trees would need to be cut to install the cable or does Gordon feel the existing road there is enough. Gordon replied maybe, it's limited equipment that is going in there to trench the cable, but it will depend on different scenarios, i.e. needing to go around a tree, etc.

Stabile asked how big the actual fenced in area will be. Gordon replied he believes it is 45 acres, give or take.

DiMaria asked what the town's standard for logging. He asked if it was by acre or board feet. Stabile replied board feet. Stabile asked Replansky if it counted as logging if the trees

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were just being cut down. Replansky said he checked the statute and does not believe a commercial logging permit would be necessary. Replansky said conditions would be listed in the approval for tree removal.

Stabile asked that if no one is selling the logs is a commercial logging permit not needed. Replansky replied yes, it's not in the town's statute.

Gordon then went over how the tax breakdown would work. Gordon said the chart shown was an estimate, as they have not yet had a conversation with the accessor (see attached). Gordon said there would be \$334,000 of tax revenue over twenty years of the two parcels if they were continued to be used as they are today with the current ag exemption. If the solar project is installed, Carson-Power would have to repay a portion of the ag exemption. The portion of the parcel not being used for solar would be continued to be taxed normally. Gordon said they assumed \$4,500 per megawatt AC, which would increase by 2% over the next twenty years and that is where the value is, it would be over a million dollars in twenty years of tax revenue.

Hermans asked what the value of the equipment installed is once it is built out. Gordon said the construction cost is roughly 1.2 million dollars per megawatt. Gordon said the solar panels themselves are roughly 40-60 percent of the cost. Hermans said if someone built a 40 million house on that property their taxes would be a lot and are these comparable. Gordon replied that this has been an issue with the state and having the accessors agree on the value. Gordon said it is better to tax on the value the system is creating every year. Gordon said the state has a financial model to determine the value of the system, but if they went that way it would be a lesser valuation, since it would void the pilot.

Marsh asked Gordon if he had spoken to the accessor yet regarding the ag exemption, as she did not think woodlands qualified for it. Gordon replied that they had not yet spoke with the accessor.

Gordon informed the board that they have filed for a variance with the zoning board regarding the fence height since a 7-foot fence, which is required by the national electric code, is out of compliance with the town's zoning.

Gordon said they need to have a conversation with the accessor regarding their subdivision plan. Stabile said he spoke to the

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accessor and said he wasn't sure of the procedure with the courtesy subdivision since he has not ever dealt with one. Replansky said there needs to be a meeting with the town board, the accessor, and the applicant.

Hermans asked again about tree disposal. Gordon said most likely chipping on site. Stabile said that would create a lot of noise for days. Gordon said he would get more information and if helpful submit a tree disposal plan. Hermans asked if the board could limit the hours of when there could be tree cutting, with none on Sunday, etc. Stabile said he doesn't see why not and confirmed with Replansky. Replansky said yes, whatever conditions the board feels are appropriate can be included with the approval of the project. Gordon said he would speak to someone on the construction team and get more info to the board regarding tree disposal. Hermans asked to check on the hours of operation as well and said normally people do not like anything done before 8am or after 6pm. Schmitt asked if that info was in their EAF. Gordon said yes.

Stabile asked if Gordon had any pictures from the fields themselves, not just the road. Gordon replied no, usually everyone is only concerned if it can be seen from the right of way. Stabile felt it would be good to generate some views from there as well.

Schmitt found the construction hours in the EAF - they are 8am to 6pm, Monday thru Saturday.

Stabile asked Schmitt about the letter from the Ag Dept regarding the prime soil. Schmitt said prime soil is always a concern on a development but with a solar project they are not as crucial of an element because you are not taking them out or regrading.

Stabile asked Replansky about the ag data statement and what the applicant is required to do. Redding replied that the ag data statement was completed and submitted to the town. Redding said they also need to comply with NYS Ags & Markets law. Redding said with solar projects they sometimes require some additional environmental monitoring during construction. Replansky asked if they would be sending notice out to every farm within 500 feet. Stabile asked if it had been done already. Redding said they did not send it out. Gordon said it would be sent out closer to construction. Stabile asked Replansky if that sounded right. Replansky felt it should go out prior to the public hearing. Gordon asked Redding the requirement for the ag

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notice. Gordon said the ag notice had to go out to the properties within 500 feet. Gordon asked if there was a timing requirement. Redding said not that he is aware of. Replansky said it needs to be complied with prior to the public hearing. Redding asked if they should send out the form. Gordon said he felt it should be the applicant's responsibility and would send them out.

Replansky asked when the notices were sent out for the lead agency. Devine replied December 27th. Replansky asked if any notices were sent back. Devine said only from the Dept of Ags and Markets and the DOT. Replansky said the board could not declare themselves lead agency for the SEQR review until 30 days after the notices have been sent. Replansky said the public hearing would be held when the board is not lead agent. Parks said regardless the planning board must hold the public hearing whether they are lead agency or not. Gordon said they wouldn't be able to take any other action on SEQR but the public hearing could be held. Replansky said he just wanted them to be aware of this.

Parks asked Replansky if he was talking about the state requirement earlier for ag notice or the town's code. Replansky replied he thinks it is the town code. Parks said the state's requirement says that once the application is received from the applicant the clerk of the planning board would mail the written notice to the owner's identified in the ag data statement, but it doesn't give a timing on when. Gordon said Parks is saying there is no correlation between the public hearing and the ag notice. Gordon said it is good practice to get them out prior to the public hearing but there is no regulation requiring this.

Soracco asked about lighting and Gordon replied there is no lighting proposed.

DiMaria said even if the ag statement and public hearing are not mutually exclusive, he would feel more comfortable if it was sent out beforehand. Replansky said our statute does not stipulate that it must be before the public hearing. Stabile said they will be sent out the next day and Replansky agreed. Stabile asked if the applicant could assist with it and Gordon replied they would be happy to.

The board and the applicant then discussed the procedure for the public hearing on the 21st with Replansky.

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Hermans asked if it was okay if they could start cutting trees since it had to be done by the 1st of March. Stabile said after it was approved, they could start. Gordon said it was their goal to have it cleared by the end of March to satisfy the bat window, otherwise they would have to wait until the end of the summer.

Marsh asked how long Gordon thinks the chipping of the trees would take. Gordon said he wasn't sure and would find out that information. Marsh said she wondered if the chipping would affect the bats and Gordon said it wouldn't, the trees just need to be felled.

Rural Raillery Site Plan: The applicants, Cory, and Nicole Clanahan, introduced themselves and said they are seeking a use change for a space next to the VA and the Liquor Store in town. They explained that a refillary is a store where you can go in with your own packaging and buy things by weight - it fills a need and is environmentally responsible. The space is currently office space and they would like to have it changed to retail space.

Stabile asked if there would be food and the applicants replied that it would not be prepared food but dried goods to purchase such as flour, oats, etc.

Stabile asked if it was all sold by weight and the applicants replied yes.

Hermans asked if there would be refrigeration units. The applicants replied not initially but they made add them later.

The applicant said they would like to put a sign under the liquor store sign, in the format of a directory, and a sign above the store's door.

Stabile asked if a truck would pull up, like the liquor store, for loading and unloading. The applicant replied yes, like the liquor store, during business hours. Their hours of planned operation are Tuesday through Saturday 10am to 5pm.

Stabile asked the parking requirement for the store's size of 1000 to 1200 sq ft. and could the spots be double counted. Replansky said the spots could be double counted. Hermans said there are 35 spaces. Weaver said zoning for retail space requires one space for every 250 sq feet of gross store area.

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Replansky asked if there was a prototype for this type of business. The applicants mentioned some nearby stores in Kingston, Red Hook, Beacon, Cold Spring, etc. but that they are a newer idea.

Replansky asked if they received any permits from the DOH. The applicant replied they did not because over 50% of their products will come from off the shelf, but they are dealing with Ag & Markets. Replansky asked for something from the DOH showing that they are exempt. The applicants said they would work on getting this information. Replansky asked what approvals they need from Ag & Markets. The applicants replied that it is straightforward - they would come out and make sure there is a two bay sink for handwashing and prep, and they test the water. Replansky asked for this documentation as well.

Stabile asked Schmitt if there was anything else in the site plan requirements. Schmitt replied he did not think so, as it's an existing building, and existing parking lot, and no exterior revisions.

Replansky feels it could be approved at the next meeting. Stabile reminded the applicants to get their paperwork in.

Stabile asked if they do add refrigeration later who they would need to go to. The applicants replied that it would still be Ag & Markets since it would still be on a grocery scale.

DiMaria asked them to go over their signage again. The applicant replied they are hoping to put their sign below the liquor store sign and then a sign above the store's entrance.

Other Business: Hermans asked Weaver about the excavation going on at Sugar Hill Farm. Weaver said he wasn't sure what it was and would inquire. One board member thought it may be a pond being put in.

Stabile asked Weaver if had heard from previous applicants, Capuano, on Rt 199 who recently demoed the house. Weaver said he had not but would get in touch with them.

Approval of December Meeting Minutes: Stabile asked for a motion to approve the December meeting minutes, motion by Hermans, second by DiMaria, all in favor, motion carried.

More Other Business: Stabile reminded everyone it is a new year and to work on their credits. Soracco suggested the board watch

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the last ZBA meeting regarding the application dealing with Stewart's Shops since it will eventually be heading to the planning board.

Motion to adjourn at 9:03pm DiMaria, second by Patterson, all in favor meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile

DRAFT