

July 3, 2023

PINE PLAINS PLANNING BOARD WORKSHOP MEETING MINUTES
Pine Plains Library Community Room
Saturday June 10th, 2023
10:30 AM
In Person and Zoom

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

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

ABSENT: Al Blackburn
Kate Osofsky

ALSO PRESENT: Warren Replansky, Town Attorney, in person
George Schmitt, Town Engineer, in person
Sarah Jones, Town Liaison, in person
Frank Fish, BFJ Planning, in person
Andrew Gordon, Carson Power, in person
Michael Zahler, Carson Power Attorney, in person
Multiple Members of the Public, in person

Chairman Stabile opened the workshop meeting at 10:30 am.

Carson Power, LLC Workshop: Stabile said the meeting would start off with the applicant, Andrew Gordon of Carson Power, going over the submissions that have been made since the last public hearing where the public brought up issues they were concerned with.

Gordon said since the last meeting both the DEC and USFWS have signed off on the project.

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An additional site walk was completed to confirm the absence of any wetlands.

A few site plan revisions have been made and the design has gotten smarter.

An extensive visual impact study was performed.

The tree disposal plan was submitted as well as a construction noise mitigation plan.

Gordon then compared the old site plan with the new site plan and showed the changes made, i.e. a change in the shape in the southeast corner which then allowed them to stay above the ridge line which will help with the visibility of the project. The access road to Rt 199 has also been changed from straight down to the shape that it is today, which will limit any trees that need to be cleared. It will also limit the visibility of the project from Rt. 199.

Gordon then went over the visibility study performed by Saratoga Associates.

Gordon then went over the coordinated agencies they have dealt with, such as the DOT, DEC, etc.

Gordon then went over the tree removal plan. Gordon said they are using the existing fields, which helps limit the tree clearing that will need to be done. Gordon said Hudson Valley Forestry conducted a tree survey of the entire property and they provided the best practices for tree removal which Carson Power has adapted into their plan. Gordon said any large piece of lumber that can be used offsite will limit on site chipping. Tree chipping will be used on site for erosion and sediment control. Gordon said they will also include bat boxes. Seventy forest acres will be protected under a conservation easement that they will be entering with Scenic Hudson.

Stabile asked about the conservation easement. Gordon said the entire property will be entered, 172 acres, but post construction it will be roughly 70 acres of forested area that will be conserved.

Construction will be from 8am to 6pm, Monday through Saturday, with no deliveries on Saturdays and only electrical work being done (no noisy operations) on Saturdays.

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Gordon said the goal of the project is to help combat climate change.

Stabile asked Gordon to point out the two parcels involved in the project on the project map. Gordon said they are fully compliant with having the system on two different parcels, but in the future, they would like to merge the two parcels into one, but the system has been separated in such a way in case they are not able to consolidate.

Stabile then asked the status of the ZBA fence variance (town code only allows a 6-foot fence, but the national electric code requires a 7-foot fence). Gordon replied the area variance was received positively and a public hearing was conducted, but the ZBA cannot make their final decision until after the planning board has made a SEQR determination.

Stabile asked about the chipping plan. DiMaria said smaller trees and brush, less than 18" will be chipped. Gordon said they will save trees for firewood, etc. to the greatest extent possible so on-site tree chipping can be as low as possible.

Marsh asked Gordon about the carbon emissions comparisons and how the numbers were calculated. Gordon said it is through the EPA's estimate of electricity production at a solar farm and overall emissions compared to fossil fuels. Marsh asked him to be more specific. Gordon said he could not off the top of his head but the EPA has a calculator to help.

Stabile asked how many bat boxes there would be. Gordon said they would be placed in two locations on site and there would be two bat boxes. Stabile asked Schmitt about bat boxes. Schmitt said to the extent that they are not required to provide anything, he feels they are a good idea. Schmitt said the DEC and USFWS already issued their approval without bat boxes. Schmitt said if a bat is looking for a place to go, they will utilize it. Gordon said the 70 acres of preserved forest will be more impactful in helping the bat species' habitat.

Frank Fish of BFJ Planning then went over the SEQR process and where the planning board is in the process. Fish said the planning board was looking for further information at the last Saturday session held at the library. Fish said the planning board needs to determine if this project has a large or adverse impact - if so, this would trigger an environmental impact statement to be undertaken, which could delay the project up to

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a year. If not, a negative declaration would be declared and a full EIS would not need to be completed.

Fish then showed the working document of part II of the EAF and went over the categories. Stabile made sure that the audience knew that the board had not voted on it yet - it is a draft document. *Please refer to the meeting minutes of June 19th, 2023, for the board's full assessment of the document. Fish feels the board now has all the information needed to make a decision. Fish said after the board heard from the public today, he has advised the board to close the SEQR portion of the public hearing. Fish said after the board makes their SEQR determination the board will then need to over the special use permit and site plan aspect of the application.

Replansky asked Gordon to supply them with the background calculations on the net carbon benefit for the next meeting. Replansky would also like to see a draft of the conservation easement document. Gordon wasn't sure if that was something he could provide. Stabile asked if it was needed for SEQR. Replansky responded he wanted to see it for SEQR.

Stabile then took comments from the public.

The first speaker was John Lyons, who is a lawyer representing several residents near the project. Lyons said he is submitting a memo from two professional planners, including Nan Stolzenburg, who used to work with the planning board. Lyons said he still feels the project warrants a positive declaration. Lyons said that Stolzenburg feels a moratorium should be issued by the town board for commercial solar projects so the solar law could be reconsidered.

The next speaker was John Forelle of 468 Tripp Road. Forelle asked Gordon what other towns he had built projects in. Stabile said it is not a question-and-answer dialogue. Forelle feels the project will not benefit anyone in Pine Plains and its only purpose is to make money for Carson Power and rich investors. Forelle feels the board should take their time and really figure out what is going on. Stabile clarified that Carson Power has not completed a project as of yet, but their partner, NexAmp has and the board did receive a list showing this.

The next speaker was Leanne Fremar of 381 Skunks Misery Road. Fremar does not feel this project fits in with the community character of Pine Plains. Fremar said this would set a dangerous precedent for all land use.

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The next speaker was Rebecca Keep of 383 Skunks Misery Road. Keep feels the community character should be protected, especially from a company that would not set roots in the community. Keep is not against solar, and feels people should use it on their homes, but doesn't feel the town should rush into a commercial solar project. She feels a moratorium should be issued.

The next speaker was Daniel Aronstein, a prospective home buyer in the Town of Pine Plains. Aronstein gave several reasons why he is against the project. Aronstein doesn't feel the visual impact study done by Saratoga Associates was accurate and advocated for a balloon test.

The next speaker was Kathleen Augustine of 100 Prospect Hill Road Ext., who gave a brief history of the zoning of Pine Plains. Augustine also spoke of the several conservation easements held by Dutchess Land Conservancy, including herself, and others attending the meeting. Augustine feels that an outside company, with no relationship to the town, should not be allowed to do the same.

The next speaker was Joan Redmond of 134 and 126 Johnny Hollow Cake Road. Redmond said removing 26 acres of forest is counterproductive and the forest itself is combating climate change. There is no downside to preserving the forest.

The next speaker was Marcel Fausten of 383 Skunks Misery Road. Fausten said he doesn't feel a decision should be made just from the SEQR process and that the board should take into account the speakers there today.

The next speaker was Sarah Jones of 76 Bean River Road. Jones said she is a member of the town board, was part of the drafting of the solar law, and is the liaison to the planning board, and has been following this project very carefully. Jones feels the planning board has been doing an incredible job. Jones said she is bothered by the fact that so many trees need to be taken down and the fact that it is the end of a 2-mile ridgeline.

Chairman Stabile then gave the public another opportunity to speak.

Aronstein spoke again and said he had an issue with the panels coming from China due to slave labor, etc. Aronstein also said panels degrade and are dependent on the weather, because of this

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he feels Carson Power's estimate isn't accurate. Aronstein also feels it would stop someone from purchasing a home here.

The next speaker was John Forelle. Forelle said he feels that the Dutchess Land Conservancy should hold the easement over Scenic Hudson because they hold over 59,000 acres in land conservancies and Scenic Hudson promotes solar energy and they help solar companies locate sites in the Hudson Valley.

The next speaker was Pavan Gattani of 504 Bean River Road. Gattani said solar technology will be very different in the next six years. Gattani said since this project will be here for the next 25 years the town should look very carefully at it for the next generation, and other people who come to this town. Gattani said the pros and cons of the tax incentives, etc. should also be looked at.

The next speaker was Eric Galliher of 387 Skunks Misery Road. Galliher said he doesn't feel the project fits in with the consistency of the community's character. Galliher said he is a pilot and normally cannot spot his home from the air, but if this project is approved, now he will be able to, and he isn't sure if this is a good thing. He is not sure giving up the community's character is worth the energy savings.

The next project was Michael Zahler, who is Carson Power's attorney. Zahler said he feels the planning board has the information they would need to make a determination. Replansky asked how long he feels it would take to issue a response for the information received today. Zahler said he hasn't seen the information presented today by John Lyons but can then issue a response.

Galliher then added if a positive declaration would only delay the project a year, then Pine Plains has nothing to lose by issuing one.

Jones then said we should care about the forest and loss of habitat because the loss of birdlife and insect life, and the loss of pollinators, has been incredible. Jones also said chipping would create methane. Jones feels the forest should be kept.

Stabile then asked for a motion to go into an executive session with Replansky to discuss procedure. Motion by Hermans, second by Marsh, all in favor, motion carried.

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Stabile asked for motion to return from the executive session with Replansky, motion by Hermans, second by Marsh, all in favor, motion carried.

Replansky noted that the attorney client session was not for any deliberation or discussion regarding the declaration. It was for procedural issues.

Stabile asked for a motion to close the public hearing, only in relation to SEQR issues, for verbal comments right now, and written comments as of Friday, June 16th, at 4pm. The public hearing will be kept open for site plan and special use permit. Motion by DiMaria, second by Soracco, all in favor, motion carried.

Replansky said the board will only move on to the site plan and special use permit if a negative declaration is declared.

Replansky said the process of making a declaration will take some time.

Motion to adjourn the meeting at 1:10pm by DiMaria, second by Soracco, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile