

April 3, 2023

PINE PLAINS PLANNING BOARD WORKSHOP MEETING MINUTES
Wednesday March 22nd, 2023
7:00 PM
In Person and Zoom

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

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

ABSENT: Vikki Soracco
Helene Marsh, Alternate

ALSO PRESENT: Warren Replansky, Town Attorney, in person
Sarah Jones, Town Liaison, in person
Taylor Young, BFJ Planning, viz Zoom
Andrew Gordon, Carson-Power, in person
Brian Walsh, Town Supervisor
Members of the Public, in person

Chairman Stabile opened the workshop meeting at 7:00 pm.

Carson Power, LLC Workshop: Replansky said the applicant should go over his amended site plan.

Gordon said the substantial change are the exposed panels in the southeast corner. Since this is the most visible area of the project, Carson Power has removed close to 1000 panels from that ridgeline. Some of the panels have been placed in other locations and some have been added to the north area where there was some vacant space. In doing this Carson Power was able to dramatically decrease the visual impacts on the southeast corner. The planting buffers will now be about 20 feet higher

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in elevation. They have also been changed from 6-foot evergreens to 12-foot fir trees.

Gordon said the SWPPP will need to be revisited now that they are moving some panels around.

Stabile asked Gordon if had made any contact with the fire department yet. Gordon replied they still have not received a response from the fire dept after reaching out a few times. Stabile said he spoke with Fire Chief Brian Walsh and he expressed concern over being able to circumnavigate around the site in case of a fire.

Gordon said Scenic Hudson Board of Trustees had their meeting and approved their ability to contract with Carson Power for the conservation easement.

Gordon said they received feedback from the DOT and said they approved the small access driveway next to the substation and the revised access road further west from the original on Rt 199.

Stabile asked Gordon if he saw the comments from Dutchess Land Conservancy - he had not. Gordon said they had touched base with them last year to see if they had any interest in partnering with them for the project, but they declined and referred Carson Power to Scenic Hudson.

Blackburn asked Gordon if the number of panels would remain the same with some being moved around. Gordon said approximately the same.

Jones pointed out a clerical error in a property owner on the new site plan to Gordon.

Gordon said the two entities that have jurisdiction over plants and wildlife for the project are the DEC and the USFWS.

Stabile asked Gordon if he heard any comments back from NYS DEC. Gordon said they had not, they use the online tools and plug in the project's location and ask for comments regarding the plants and species, but they did not receive any hits for plant species.

Gordon said the board asked him to complete a forest cover analysis which analyzes the density of forest cover and what the density would be after the project is completed. Gordon said he

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hopes to be able to submit it at the end of the week but that it is a direct requirement of NYDEC and USFWS. Gordon hopes to hear from them in the next week or two.

Gordon said he knows it was previously discussed for an example of a line of site rendering for the homes on Skunks Misery Road - Gordon said they are also working on an example from Carson Road. Gordon asked if there were any other specific points the board would like him to evaluate.

Stabile asked about the DEC visual test. Replansky said he spoke with Schmitt and they both agree that the line of sites is helpful but they are not going to be dispositive of the visual impact of the project. Replansky said they would like to see the balloon test done by the applicant. Stabile said he would like to know what has been done in terms of the DEC visual impact standard. Replansky recommends the balloon test if the board's SEQR analysis is challenged in court. Hermans asked if property owners should be alerted. Replansky said yes, but it is up to the applicant to establish a protocol to do so. Stabile asked what if the applicant fails to do this? Replansky said then the applicant runs the risk of the board declaring a positive declaration.

Gordon said he has done the balloon test on other projects where the balloon is placed on the highest site. Gordon said the balloon would not be visible from anywhere at the highest point of this project. Gordon said the other issue is the substantial tree clearing that will be taking place and the plantings that will be put in place. Gordon said he would speak to Schmitt and try to find a solution to these issues.

Stabile asked how high the lowest point of the panels is off the ground. Gordon replied about three feet. Replansky asked if they are 3 feet to 11 feet and Gordon replied correct.

Stabile asked if the project would be mowed on a schedule or when it gets to a certain height. Gordon said probably a combination of both.

Replansky asked Young if he had any opinion of the visual impacts. Young replied that he agrees with the applicant that it is tricky and leaves it up to Gordon and Schmitt to find the best way to do it. Young said maybe a large tarp layed out to mimic the size of a finished panel between poles to get a scale of the panels.

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Gordon asked what areas are of the most concern. Stabile said the idea is to get the public and the board to understand what exactly will be visible.

The board and Gordon then discussed the mapping of prime soils with different entities.

Hermans asked if there was a way to get a list of the materials that go into making a solar panel. Gordon said he would see what he could do. Stabile wondered if any studies were available regarding this or is there an EPA certification. Gordon said they all have ULs that they need to adhere to. Gordon said anyone who contributes to the project financially is of course very concerned about any environmental liability. Young said it would be helpful to have something that shows that the panels are certified and there are ULs, some type of cutsheet. Young said since solar panels have been around awhile perhaps there is some sort of documentation to show their safety.

Stabile asked about the nonreflective coating and the different levels that there seem to be. Stabile asked if this is something that Carson Power would be able to dictate once the panels are ordered. Gordon said they would need to comply with the nonreflective coating requirement in the zoning law.

Hermans asked why the solar field wouldn't be renewed after 25 years, why would it just be abandoned? Gordon replied he doesn't know what the energy environment will be like in 25 years. Gordon said it is constructed in a way where it can be decommissioned, i.e. not contaminating the soil. Hermans asked can the board stipulate when it is decommissioned. Replansky said the board can prescribe a decommission protocol that needs to be followed. Stabile suggested the board proceed as if the project would be there indefinitely.

Hermans said there is a big outcropping of bedrock on the west side and he would like to see what the grade would look like compared to what it is now and what it will be when completed.

Hermans asked if Carson Power would be hiring the environmental monitor during construction or can the board stipulate who it would be. Replansky said Carson Power would propose one and the board can decide if it is satisfactory. Gordon said that service is typically provided by a third-party firm. Gordon said they would accept suggestions from the planning board.

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Hermans asked about a field edge analysis. Gordon replied that is new one to him.

Hermans asked if Central Hudson would be sending a letter of endorsement. Gordon replied that he has the interconnection agreement that he could send.

Stabile asked if Central Hudson needed to do any work to the substation to accommodate the project. Gordon said some modest upgrades would be needed.

Hermans asked if the 10% discount offered to customers could be wiped out by the Public Service Commission. Gordon doesn't believe so and said Nexamp is signing a contract with individuals who subscribe to the project.

Replansky said the town's engineer will need to look through the revised plan.

Stabile asked what the decommission plan is currently or if there is a failed/broken panel. Gordon said it would be recycled.

Stabile asked if there is a plan to deal with a farm dump if found on the site. Gordon said the site is evaluated during phase 1 and would have found something like that then. Replansky said the board would like a copy of the phase 1.

Hermans asked if hunting would be allowed on the property. Gordon said there is no plan for that.

Young asked if there was a longer form of a report from CPNY or would the part 1 EAF need to be resubmitted with the new plan. Gordon replied they will need to take a look at the part 1 and see if any of the numbers changed. Young said a photo of a tree of a bat's habitat may help to understand and compare to the trees that are currently there, more of a visual representation. Gordon will see what he has that is appropriate to submit to the board while he waits for the reply from the DEC and USFWS.

Young said NYSERDA will provide someone who can meet with the board one on one to help with questions regarding solar.

DiMaria asked if the board was going to reach out to any of the local municipalities who have already had a solar project. Stabile said he would work with DiMaria on this.

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DiMaria said the zoning law says that all panels should have antireflective coating and nothing else. He would like to see paperwork on this to see exactly how they will be. Gordon will work on this.

Stabile asked Fire Chief Brian Walsh if he had anything from the Fire Dept. Walsh said it was early in the project for this but they would like to see 12 ft between the panels and the fence all the way around so that a brush truck could fit in if need be and an emergency shut off for the panels that leads back into Central Hudson. Gordon said there is 12 ft between the panels and the fence all the way around the perimeter and that there are multiple shut offs. Walsh said he would prefer one - Gordon said he would take a look, as that is a design question.

DiMaria said he would not include Saturday for the construction phase. Stabile said certain construction noises will be nosier than others, i.e. the tree removal not on Saturdays.

DiMaria asked about the wood disposal and what was going on with that. DiMaria suggested a logging permit so that the wood could be used. Gordon replied that they are not interested in commercializing the wood but will see if there is something else that could be proposed. Stabile said logging would help mitigate some of the noise. Gordon doesn't feel there is a lot of high value wood available since it was logged recently. DiMaria suggested giving the wood away.

Workshop adjourned at 8:43pm.

The board then had an executive session with Replansky for the purpose of an attorney/client session regarding SEQR questions. No action was taken in the executive session.

Respectfully submitted by:

Tricia Devine

Michael Stabile