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**MINUTES MEETING
Town of Halfmoon Planning Board
March 28, 2022**

Those present at the March 28, 2022, Planning Board meeting were:

Planning Board Members:

Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
John Higgins
Tom Koval
Rich Berkowitz
Thomas Werner-absent
Mike Ziobrowski

Planning Board Alternates:

Brendan Nielsen-absent
Chuck Lucia

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineers:

Joel Bianchi

Chairman Don Roberts opened The Planning Board Meeting at 7:00 pm

Don Roberts: Good evening, I would like to call the meeting to order. Have the Board members had a chance to review the minutes from the last meeting?

Rich Berkowitz: I make a motion to approve the minutes

Ziobrowski: Ill second

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried.

New Business:

22.023/ 22.024 Lands of Fellows/Werner Rd. Subdivision & Duplexes, Werner Rd – Minor Subdivision & Special Use.

Don Roberts: Would anyone like the notice read? (No comments) Go ahead Duane

Duane Rabideau: Duane Rabideau from VanGuilder and Associates representing J.P. Sobiech Strategies LLC. Before the Board tonight for a proposed 2 lot subdivision and a special use permit. The parcel is located on the dead-end portion of Werner Road across from Grey Bar Electric Company. The proposal is to subdivide a 2-acre parcel into 2 duplex lots. Lot 1 would be 40,000 sq. ft. Lot 1 would be this lot right here, that's Lot 1 and Lot 2 would be a keyhole lot in this configuration right here, that would be about 49,000 sq. ft. Both lots will tie into public water and have onsite septic systems. We are also requesting a special use permit to construct duplexes on these lots. The immediate area is a mix of commercial use with Grey Bar and NYSEG and the Chiropractic practice across the road to the west. Theirs single family use on both sides of the vacant parcel, be single family here and here, this is vacant back here, it's in the transitional area from commercial multifamily use to the south and to the west to more single-family use to the north. The Board did request locations of other duplexes in the area, I did send Paul a GEIS photo of the locations, and I don't know if he shared that with the Board or not, basically there is as far as the duplexes there are 2 duplexes about a 1000 ft. north of this parcel. There are also 3 duplexes up by Kelly Lane, and obviously the multifamily use south of 146, of Town houses and apartments, things of that nature. That is our request before the Board tonight.

Don Roberts: Thank you Duane, at this time we will open the public hearing, first off, our item is we received 2 letters with concerns about the proposal so we will make that part of the record Paul alright, and that being said would anyone in the room like to speak? Please come up Sir, say your name and address and any comment you may have.

James Rashford: Hi my name's James Rashford I live on the north quadrant right there adjacent to where that driveway is coming in. I did send a letter, I think that's one of the letters that came in, some of my concerns. I do know that there are some duplexes farther up on Werner Road, but this area of Werner Road is separated by large buffer trees and there are buffers between our homes. Farther up there the houses tend to be more on top of each other with lawns running into each other. I understand that there always could be a house built here I completely agree with that, it is a parcel, but this is not a duplex neighborhood. My letter had some picture of my house, and they face south directly towards that house and its all-plate glass windows, the driveways lights turning in and out. I just it changes the style of my house, right now I chose Halfmoon because I like the rural aspect of it, I did not want to live in a development, and I get very nervous with duplexes and renters, not taking the same care of the house, and a land lord, it's not their own fault but they want to put low maintenance stuff in and it's not going to be catered to a residential neighborhood. I don't like this, I don't like it at all, thank you.

Don Roberts: Okay thank you Sir, and we did get your letter, would anyone else wish to speak? Would anyone online wish to speak? Okay your name and address Ma'am

Carol Breen: Carol Breen, my address is 11 Werner Road, I am Jim Rashfords wife, so I live there with him, and I just wanted to reiterate our concerns. Putting a house there is one thing , putting 4 new units on there is another thing , there is not a lot of room there it's going to be squeezed in , and it's going to change the character of our community it's a dead end street , it's just residential houses and you know renters definitely can change a neighborhood, depending on if they are good renters or if they are bad renters and we can't really control that , you can never control your neighbors but renters tend not to have the same pride in their community , in their homes because they don't own it so in addition to changing the character thought it's going to change my homes value and my neighbors homes value, it's going to reduce the value of our homes , because people don't necessarily , people who want to live in a single family home don't necessarily want to live right next to duplexes so I just ask that you keep that in mind when you're considering this. Mr. Fellows can obviously do anything he wants with his own property in terms of selling it or building homes, but this is really going to affect his neighbors a lot, so I just ask you to think about that, thank you.

Don Roberts: Thank you Ma'am, would anyone else like to speak online? (No comments) Some people came in the room late, are you here for this project, or no? Okay, so anyway once again, anyone in the room wish to speak just to cover all of our bases here. Okay we will close the public hearing, comments by the Board members.

Marcel Nadeau: How many duplexes are in that area?

Don Roberts: Go ahead Duane, I mean you said there were

Duane Rabideau: Yea there's two, about a 1000 feet north on Werner Road, farther up just south of Kelly Lane there are three duplexes and then if you go on the south side of 146.

Don Roberts: In close proximity how many?

Duane Rabideau: The ones that are 1000 feet north of this property probably 4 or 5 lots

Tom Koval: Yea I feel that this is a little bit more of a berg than where you are pointing out the duplexes, Werner Road further up is higher speed, a little more transient of a road, I feel. This seems to be a more constrained little area that I feel is better left to single family homes as opposed to duplexes, I mean I own a lot of duplexes I know what these residents you're talking about sometimes it becomes more of a commercial application even though it is residential.

Don Roberts: Anyone else

Marcel Nadeau: I would agree with Tom that just what he is saying I would agree with.

Rich Berkowitz: I would tend to agree with Tom and Marcel also, I'm looking at a map right here and Kelly Lane seems awful far away, it's not even in the neighborhood. Ever since they closed off Werner Road to 146, this area is kind of secluded, its own little area.

Duane Rabideau: Based on the public comment the letters, the applicant would like to table this application, the subdivision and the special use permit until the next meeting, or the next available meeting.

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Tom Koval: I'll make a motion to table this

Rich Berkowitz: Ill second it, we have to give them a date, let's do two meetings?

Don Roberts: You want the next meeting or the meeting after?

Duane Rabideau: Next meeting would be?

Rich Berkowitz: April 11th?

Duane Rabideau: Yea that will work

Lyn Murphy: So, there is a difference just the Board is aware, if you were to just not vote and adjourn it, you don't have to have a motion, but he specifically asked for you to table it and now you have to remove it from.

Don Roberts: He asked for it, okay

Tom Koval: I make a motion to table it to the April 11th meeting,

Rich Berkowitz: I second

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried. Okay so see you on the 11th.

Duane Rabideau: Okay thank you.

Lands of Fellows/Werner Rd Subdivision & Duplexes – Minor Subdivision & Special

Use Permit. TABLED The Board held a Public Hearing and tabled the applications for a two-lot subdivision and two duplexes

22.031 Townline MCA Development Duplex, 293 Middletown Road – Special Use Permit

Jamie Brown: Hi I'm Jamie Brown I'm representing my sister Jennifer Manny and her husband Tom Manny of Townline MCA Development. They are looking for a variance to change it from a single residence to a duplex.

Lyn Murphy: So basically, you're looking for a special use permit.

Jamie Brown: My apologies yes, a special use, they already have the variance. Sorry

Don Roberts: Okay at this time we will open the public hearing would anyone in the room wish to speak? Would anyone online wish to speak? Okay since no one wishes to speak we will close the public hearing, comments by the Board members?

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Tom Koval: I would like to make a motion to approve the special use permit with the condition that it meets all building code, that the applicant meets with the building department to go over proper ingress, egress into the property so it meets all State codes for a duplex.

Jamie Brown: I know they already have plans as far as renderings and everything done for that.

Rich Berkowitz: Ill second

Don Roberts: Okay we have a motion and a second all in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, good job.

Paul Marlow: If you could tell your sister to get ahold of either Dave or Glenn in the Building Department, they will work with her to go through the building code and make sure that the renovations that they will need to make will be up to building code.

Jamie Brown: Okay, thank you.

Townline MCA Development Duplex – Special Use Permit

APPROVED. The Board held a Public Hearing and approved a request to convert a single-family home into a two-family (duplex) conditioned on meeting all requirements of the NYS Building Code.

21.221 / 21.222

Fairways of Halfmoon Pavilion & Parking Expansion, 17 Johnson Rd. Site Plan & Special Use Permit.

Don Roberts: Would anyone like the notice read? Go ahead Duane.

Duane Rabideau: I'm Duane Rabideau from VanGuilder and Associates here tonight representing the Fairways of Halfmoon before the Board for a revised site plan amendment and special use permit for construction of a proposed pavilion at the Fairways of Halfmoon club house located at 17 Johnson Road. The proposal is to construct a 40 x 80 open pavilion where the existing putting green is now, here is the club house here they are proposing the pavilion right here. The putting green will be repositioned to the northeast of the proposed pavilion. The particulars on the proposed pavilion it will not be heated, it will have retractable screens to manage the prevailing winds, its designed to hold 150 patrons, expected hours of use are expected to be 10 am to 5 pm with majority of the time. The purpose of the pavilion is merely to provide additional sheltered outdoor space during golf tournaments and the like, thus eliminating the need to rent tents and etc., and to make the existing operation more efficient. It will not be used as an entertainment space and therefore will not be a source of live music or other excessive noises. There is ample parking with the current infrastructure in place in addition to an existing 5-acre overflow parking area which is contiguous to the rear parking area. We did receive and review MJ's comments and believe that we have addressed all of them and basically that is our request before the Board tonight.

Don Roberts: Thank you Duane, at this time we will open the public hearing would anyone wish to speak? Come up Sir please.

Joe Micklas: Joe Micklas, 5 Raylinsky Lane, On May 8th of 2017 the Planning held a meeting to consider the addition of the Brew Pub at this site, at that meeting there were several restrictions discussed as to the time of closing of the Brew Pub, separate advertising, no bands, no fundraising, no live entertainment. The

entire dialog caused the Planning Board to make a following motion at the request of Lyn Murphy the attorney, and I would just like to read the request. Tom Ruchlicki made a motion to approve the addition to the site plan for the Fairways of Halfmoon Brew Pub with the condition that the Brew Pub is closed by 11 pm. And here emphasis added and is the last addition to their site plan and no live entertainment of any type is allowed within the Brew Pub, no advertising as a sports bar. Tom Ruchlicki seconded John Higgins was opposed the motion was carried. So my question is kind of simple, how is this proposal being considered with the knowledge that the Board the same Board basically a lot of the members are still here voted that there would be no addition , no further additions to the site plan, and just as a comment the last speaker outlined how this is just for efficiency there won't be any noise there won't be any of this there won't be any of that well all of the conditions that were imposed on the Brew Pub , all of them are not in existence they're on the radio, they have live entertainment, its advertised it's on their web page, they advertise independently , I don't know what else to say except with all respect I would like to hear a comment on how your considering this in light of the fact that you made a motion that nothing further could be added to this site.

Lyn Murphy: While I'm hearing what you're saying, previous Boards don't have the ability to ban current Boards from acting with their own judgement as far as moving forward. It's we see this a lot with no further subdivisions if the current Board decides it's okay to do a subdivision, then it's okay to do a subdivision despite on that note that says differently, but this Board is hearing you and understands your concerns.

Joe Micklas: Well, I just like to say that you say at a different Board and again I beg your pardon for not putting their names I didn't know their first names, but Roberts, Nadeau, Ruchlicki, Higgins, Koval, Berkowitz, Murphy who is the attorney Harris, Marlow, Drobney they're all here and they are all part of the same Board that was here and passed this.

Don Roberts: Well one is gone, but most of us are still here, that's correct.

Joe Micklas: Well yea and I don't even want to get into the reason why the one is gone, it's not germane but it's certainly not appropriate either. So, I guess is your answer Ms. Murphy that you're not bound by the decision of the other Board? You did put a restriction on this site.

Lyn Murphy: I didn't do anything the Board did.

Joe Micklas: The Board did, yes beg your pardon

Lyn Murphy: Yes, no that's okay, but they can change their minds that's just the reality of Planning, but you know, they are hearing your concerns, loud and clear.

Joe Micklas: I mean as you know I'm on a technical issue of how it's being considered but I think everyone here is aware of the density of that area and what's being done there and you're creating a monster, and I guess that's all I can say thank you.

Don Roberts: Okay thank you Sir, would anyone else in the room wish to speak? Would anyone online wish to speak? Anyone online? No okay at this time we will close the public hearing, comments by the Board members?

Tom Koval: I want to address a few of the comments that were made, from Mr. Micklas. I want to correct you respectively correct you I'm the one that made the motion not Tom Ruchlicki, Tom Ruchlicki seconded

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the motion that there would be no further expansion, so I'll start with that just so your aware that I'm the one that did it.

Joe Micklas: Can I comment, I'm just reading the minutes

Tom Koval: I understand that sometimes minutes get misconstrued, it doesn't matter to me one

Don Roberts: That's all in the past now let's go ahead

Tom Koval: Now with that said, I do agree that there should be no further expansion on this site especially where its proposed due to the close proximity to the neighbor's house on the east side of the property. I don't, I feel this is a major expansion to the use of the property even though it's seasonal, it's still allowing another as I believe the applicant brought up, up to 150 more people. Previously they said there could be live music and currently Duane was a little vague about the hours he said could be but may not be , that's not the kind of language I like to hear , I want specifics, and this is going to be it, because when the Brew Pub did come up in front of us we talked about live music , I just got on your website and your advertising live music just about every day of the week or every few days so right there you violated what we already approved on this Board, that's not the kind of trust I expect.

Bruce Tanski: I understand but live music is one person with a guitar, I don't consider that

Tom Koval: That's not what you told us when we approved this

Bruce Tanski: I understand that, but I don't consider, it's not a 3-piece band it's not a 4-piece band, number one, and number two there's not an additional 150 people, these are the same people that would be using the banquet house that would be using the pavilion.

Tom Koval: So, you're telling me that is the banquet house, if the pavilion is being used the banquet house will not be used?

Bruce Tanski: No am not saying that

Tom Koval: Then it's an additional 150 people

Bruce Tanski: Listen, alright I might have a bridal shower in there, alright with 30 or 40 people I mean this is supposed to be a business-friendly Town, well

Tom Koval: It is a business-friendly Town, but we are also a neighborhood friendly Town.

Bruce Tanski: Everybody in the free world knows golf courses have pavilions, so why should I be any different, number one,

Tom Koval: This is a large pavilion, I go to a lot of golf courses

Bruce Tanski: Okay, number 2 we are not going to be open past 5 or 6 o'clock at night because your tournaments go off at one , they are 4 , 5 and a half hours that's it , no loud music Ill even give you that in writing , but you already told us there wouldn't be any live music in the brew pub and I'm looking at your

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website right here in front of me 3/17 Upstate Vibe , 3/20 Georgie Dodie, Steve Hanson & Aaron, John Churgy, Chuck Kelsey, JT and the list goes on. I mean that's not what you told us Bruce.

Bruce Tanski: I understand that, but you know what things change, Its Thursday night its one person.

Tom Koval: So, it's up to you to make the change without coming back in front of us.

Bruce Tanski: We do last call at 9 o'clock at night, we're out of there by 10 o'clock.

Tom Koval: But it's not your decision what changes are acceptable

Bruce Tanski; I understand that I made a mistake I'm sorry but you know I've been there 18 years we have never once had a complaint with the Town of Halfmoon, we've only had the police there once when I first opened, I've never had a problem with parking, I have five additional acres to park when we used to do the Sunday brunches and we had tournaments we parked we had 5 acres that we parked cars on there I am

Tom Koval: I like the golf course I'm not doing this Bruce to be abusive to you I have to think about that neighbor too

Bruce Tanski: I understand, we're over 300 feet away from the nearest neighbor number 1, number 2 I am proud of who I am and I'm proud of what I do I have put almost 2 million dollars back into that golf course in the last 4 years to make that the nicest place in the Town of Halfmoon it's our only course, I think the place is beautiful. I'm over there every day , I spent \$ 15,000 dollars a year on flowers, one day a guy came in and he was in a bad mood and I said to him what's your problem , he said I was in a real bad mood until I came here and I saw the green grass and I saw the flowers, when you can change somebody's mood I think you've done a service to everybody, okay I made a mistake about , I made a mistake if you want me to stop , I'll stop.

Tom Koval: It's not about that, it's about telling us one thing and then doing another, that's what it's about Bruce.

Bruce Tanski: Okay you've got to understand I have a son in law who works for me, and you know I'm not there every night I go there during the day, and they started it and I just didn't, my mistake. I apologize

Tom Koval: I'm not anti- business I am pro-community pro-residents and when I saw this going, and I don't even know what your relationship is with that gentleman to east, he may love it and he may have no problem with it but I have to look at it and I have to think to myself, it's very close he gets golf balls in his garden every day I know I've lost a few there

Bruce Tanski: But Tom we are over 300 feet away from our neighbor and there is a big hedge row that I planted over there I can put a berm over there is you want but this isn't going to go on past 5 or 6 o'clock at night, there is not going to be any weddings out there, there is not going to be bands out there, nothing like that

Tom Koval: Duane said it shouldn't go past 5 o'clock, I believe was his word.

Bruce Tanski: If you are a golfer and you golf at one o'clock sometimes, they go 5 hours sometimes they go 6 hours so maybe it's going to go, so am I going to get in trouble now because they go past 5 o'clock to 5:30 or to 6 o'clock, I mean come on, I'm trying to run a business.

John Higgins: Bruce at the last meeting I asked that question and you told us at the last meeting that you may have weddings there.

Bruce Tanski: I'll take the weddings out they won't go there, if I have a wedding there John it won't be in the Banquet house alright, and if we are not going to have

Tom Koval: The pavilion you mean?

Bruce Tanski: I mean I'm sorry we're not, if we have a wedding in the pavilion were not, I don't have enough staff, I can't do two things at once. It's impossible, I can't hire enough help now. I mean I think we do a quality job I think, we've got an excellent chef, I've got excellent people and I try and do the best Job I can, I cannot do two weddings at once, totally impossible.

Don Roberts: Don I think what the Board is saying is no weddings in the pavilion, that's what I'm hearing

Bruce Tanski: That's fine, Ill acquiesce to that, and I don't have a problem with that.

Tom Koval: My biggest concern is noise to the neighbors, I am not by any stretch of the imagination taking away from what a great job you do there, I go to eat there, and I was there Friday night. I like your place, I like golfing there I just don't want to upset the neighbors, we've already heard several times about these expansions and everything and my biggest fear is that it's going to create a large amount of people there, that is going to keep people up at night, you absolutely cannot have music there.

Bruce Tanski: But Tom we are not going to go past 5:30 6 o'clock at night, because mainly , the main reason I want to do this and I don't want to be redundant but we used to put tents out there and we punctured the sprinkler system a couple of times and we've punctured communication systems out there , I've got hundreds of thousands of dollars tied up in that computer system and when we puncture a communication line am down for a week so this way here its worth for me , maybe am not saying this right but it's worth it to me to build this pavilion so I don't have to worry about these issues over in front of the banquet house, alright.

Tom Koval: There is no chance you could put that pavilion down on the other corner of the property down by the driving range.

Bruce Tanski: I was going to put it on the other side but out of respect to Mr. Micklas and Mr. Hopeck after everything that happened before I decided to move it over on the other side.

Tom Koval: Sorry I don't know where your house is I have seen you here, I have no idea where you are in proximity to, although I know your close.

Joe Micklas: I'm directly in back of the driving range.

Tom Koval: Okay so you don't want the pavilion there for sure?

Joe Micklas: Absolutely not,

Tom Koval: Alright no that's my concern is with the neighbors

Bruce Tanski: That's the reason I moved it because of everything that happened with the brew pub I at least wanted to show those neighbors the respect over on the other side, I'd be within 100 feet of his property, I'm 300 feet away and I've got 18-to-20-foot arborvitaes up there all along that whole place.

Tom Koval: Well have we had any complaints from neighbors about the live music in the brew pub?

Paul Marlow: To my knowledge no.

Tom Koval: Okay.

Rich Berkowitz: I don't see the difference between a guitarist and the difference is live vs radio

Tom Koval: Its semantics

Rich Berkowitz: And I understand that, and am not getting into whether live

Tom Koval: I'd rather hear somebody playing acoustic guitar than listen to a radio when I'm having a?
Rich Berkowitz: I know we're here to talk about the tent, you know should we call it a tent or a pavilion, pavilion seems more permanent, tent seems temporary, does a tent

Tom Koval: A tent required a tent permit too, but we are not going there.

Rich Berkowitz: This is what we are here for, so we are going to call it a pavilion.

Bruce Tanski: It's a permanent structure so I don't have to penetrate the ground and worry about what I just said

Rich Berkowitz: It's my understanding that it's only for golf events, how are golf events handled presently?

Bruce Tanski: They go in the banquet house

Rich Berkowitz: You never have anybody beyond the back porch?

Bruce Tanski: They are on the decks they are on the back porch because they want to be outside

Rich Berkowitz: So, they are outside, are they making announcements who won longest drive, who won closest to the hole?

Bruce Tanski: We make those announcements inside

Rich Berkowitz: Now will they be made within the pavilion?

Bruce Tanski: They will probably be based in the pavilion with a small speaker

Rich Berkowitz: And you'll control the decibel level

Bruce Tanski: Absolutely and to go back to what you said , I don't want to limit , what if I've got a baby shower with 40 women that want to be out there , it's a beautiful day they want to be outside , I mean just to give you people an idea of what I've spent there , I don't know how many of you have been there but I built a waterfall there a couple of years ago , I spent 97,000 dollars to build that waterfall to make that place look good alright , I spent over a million dollars on that brew pub, I just spent a 150,000 dollars to redo the club house and make it nice and appealing to everybody, I want this place to be the gem of Halfmoon.

Rich Berkowitz: And I think it's one of the premiere spots in the Capital District for golf and you've done a fantastic job for that

Bruce Tanski: Thank you

Rich Berkowitz: But I don't see

Bruce Tanski: We won't have any weddings there at all

Rich Berkowitz: What I see this as is adding protection to people who are golfing, after a golfing event

Bruce Tanski: Say that again

Rich Berkowitz: Offering them protection from rain, sun having a little area where they can congregate

Bruce Tanski: They don't want to be inside

Rich Berkowitz: Without noise

Bruce Tanski: You golf if it's an 80-degree day

Rich Berkowitz: That's what I said I see this as offering protection to people who have been golfing afterwards to have something to eat and to have their prizes and to get out, which usually happens before dusk, so that's my view on this and me personally, I see it as a very small expansion nothing that conjures up a ton of people in that area.

Lyn Murphy: I just want to be clear for the record, Mr. Tanski is telling you he is not limiting the pavilion to just golf use.

Bruce Tanski: Yea like I said if somebody wants to come there and have a baby shower with 40 or 50 people with no music, they should be able to do that, John why are you shaking your head no?

John Higgins: Bruce I've been on this Board a long time and I've seen you come back in here more than once and I remember the hot dog stand okay.

Bruce Tanski: Yup

John Higgins: Well, the hot dog stand is a lot larger than what it was, supposed to be and what we all envisioned that's the reason I voted no last time Bruce, nothing against you personally I believe what you're saying about the golf but again like Tom said I don't like being told one thing and having something totally different happen.

Bruce Tanski: Well, let me say this 99.9 percent of the time I do everything that I'm supposed to do, sometimes I do it before I get a permit, I'll be the first to admit that, but I think I've gotten a lot better and this one slipped through the cracks.

John Higgins: Well I'm sorry but I'm going to have to say no when we come up for a vote because I agree with Tom I think again it's going to get out of control, and I think again what's going to happen is there is going to be other things going on there and along with things in the banquet house if you get more help, I can't control what's going to happen down the road unless

Bruce Tanski: Look at the banquet house I could have bands there every Saturday night, I turned them down, I could have concerts there I turned them down, so how's it going to get out of control, it only gets out of control if I let it.

Tom Koval: Bruce I have one question unrelated to the pavilion, sanitary facilities in this because you are quite a ways away from your bathrooms, are you going to have rest rooms in this pavilion?

Bruce Tanski: I wasn't planning on it but if you want me to put them in, I'll put them in.

Tom Koval: I'm, you know, bushes are close by you know

Rich Berkowitz: What's the difference if you have 150 people on the course with no bathroom facilities or whether you're here?

Tom Koval: Bushes are close by

Bruce Tanski: Tom if you think it's a good idea, I put a rest room in there, and I'll put one in.

Tom Koval: I'm just

Rich Berkowitz: I don't think there is a need for that

Tom Koval: That's a concern for me because your 3 or 4 hundred feet away from your nearest rest room

Bruce Tanski: Consider it done

Lyn Murphy: So, we started with the pavilion now we are a building with rest rooms?

Bruce Tanski: No, it's still a pavilion

Rich Berkowitz: Anybody who can't make it 300 ft. to a bathroom shouldn't be golfing

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Bruce Tanski: I have 2, I have 7 bathrooms in the building now so, and I will be a couple hundred feet from the Brew Pub where the bathrooms are, I'll do whatever you guys want.

Don Roberts: I don't think that is necessary personally my own opinion, anyone else?

Charlie Lucia: Just real quick and it's probably the least of all of what we're discussing right now but, it also shows proposed space 40 x 80 pavilion got that, proposed 53 parking spaces have been removed

Bruce Tanski: Correct, we removed them because, number one we don't need them, we're not doing two golf tournaments at once so the people that are golfing are the same people that are going to be using the pavilion if they choose to, they may not, and we have enough parking for, and we have an overflow of 5 acres which we have used in the past

Don Roberts: Anyone else?

Rich Berkowitz: I'll make a motion to approve the site plan and the special use permit and I'll make a motion for a neg dec on SEQR

Don Roberts: Ill second it.

Tom Koval: I'm sorry I know your voting but, what are these minor issues remaining

John Higgins: Do you want Rich to withdraw his proposal so

Lyn Murphy: Once a motion has been made and seconded you can discuss

Tom Koval: It's just I mean we're voting on it but has MJ been satisfied on this?

Joel Bianchi: Yes, they provided, Duane provided an updated EAF and narrative that matched up to what was being proposed. We received that on Friday.

Lyn Murphy: You're doing SEQR first so he second one, the other my request would be Duane when you file a map of it gets to that, where you designate where that overflow parking is, thank you, it says driving range.

Bruce Tanski: We closed the driving range, we park cars.

Don Roberts: Okay so we have a motion and a second on SEQR, negative declaration for SEQR. All in favor aye? (Majority were in favor) Opposed? (John Higgins was opposed) Motion carried, 6-1 vote

Rich Berkowitz: I'll make a motion to approve the site plan and special use permit contingent on no live music in the pavilion, no weddings and also no use after dusk.

Tom Koval: Ill second

Don Roberts: All in favor aye? (Majority were in favor) Opposed? (John Higgins was opposed) Motion carried. 6 -1 vote.

Bruce Tanski: Thank you and I won't let you guys down, thank you.

Don Roberts: Thank you I'm going to keep you to that. It's not a public hearing but go ahead real quick.

James Rashford: With whatever with the Fellows Road property being tabled until the next meeting does that mean it's going to be another; I don't know what the next step is?

Don Roberts: We had the public hearing so that is done I think they are attempting to address concerns or maybe they are going to re-do it, I don't know, we don't know, okay but you have been heard

James Rashford: If there is another site plan is there another letter?

Rich Berkowitz: I suggest coming here for the April 11th meeting.

Don Roberts: It won't be a public hearing but at least you'll know what's going on.

Lyn Murphy: You can always call Planning and check with them to see what the new, if any proposal is.

James Rashford: Thank you.

Don Roberts: Okay, your welcome, thank you.

Fairways of Halfmoon Pavilion - Site Plan & Special Use Permit

APPROVED. The Board held a Public Hearing and approved a request to construct a pavilion with conditions prohibiting live music and weddings and requiring all events to be finished by dusk.

New Business:

22.039 Impact Athletic Center, 390 Rt. 146 – Sign

Chris Litchfield: How are you doing Chris Litchfield with Litchfield Holding and Impact Athletic Center we are requesting to have a building mounted sign on the east side of our building during restaurant open hours just to show patrons that we have a restaurant there we are trying to appeal to the community a little more so than just our patrons.

Don Roberts: Will it be lit?

Chris Litchfield: Yes, Sir, it will be lit while it's open which is...

Don Roberts: Just make sure it's not shining out into the road that's all

Chris Litchfield: It's back lit

Don Roberts: Okay great

Rich Berkowitz: I make a motion to approve the sign

Mike Ziobrowski: Ill second

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried.

Chris Litchfield: Thank you

Lyn Murphy: Is that currently open, the restaurant?

Chris Litchfield: Yes, check it out please

Don Roberts: And you'll advertise Halfmoon right?

Chris Litchfield: Absolutely

Don Roberts: Thank you.

Impact Athletic Center, 390 Rt. 146 - Sign

APPROVED. Board approved new signage for the existing tenant at 390 Route 146.

22.035 Forest Land PDD Amendment, 300 Forest Lane – PDD Amendment Recommendation

Duane Rabideau: Duane Rabideau from VanGuilder and Associates here on behalf of Forest Lane Apartments LLC for the Forest Lane Apartments PDD Amendment. The proposed request is to amend the 25 ft. setback line that goes around the entire PDD to a 15 ft. setback line. Now the PDD in this case is it out bounds all the way around like this, that is the PDD limits so that includes the apartments and this vacant parcel down here. The reason we are requesting this amendment to the setback line is so that Ben Lussier can move forward with his proposed site plan with the Planning Board to make improvements to 4 of his apartment buildings onsite. The 4 buildings he wants to make the improvements on is this building here, here, here and there. At this point in time the site is not zoning compliant. Building #5 the existing building which is this building right here is 16 ft. off from the property line and is within the 25ft. setback line. In the proposed addition to building #2 which is this number 2 right here, would also encroach within the 25 ft. setback line. Now allowing the setback line to be reduced from 25 ft. to 15 ft. would allow the PDD site to be zoning compliant and allow the applicant to move forward with the site plan approval process with the Planning Board. Now we have discussed this setback issue with the Planning Department several times to understand where the 25 ft. came from. The PDD language for the project does not indicate what the setback is, the 25 ft. setback line only appears on one map that the Planning Department has and that is only a copy of the proposed Forest Lane Apartment PDD, it is not signed or stamped by any Board that represents the Town. This requested amendment will fully define the setback at 15 ft. and will address the existing building 5 encroachment and the proposed building addition for building #2 and allow Ben to move forward with a site plan approval process before this Board. We are requesting the Board tonight to hopefully provide a positive recommendation back to the Town Board for the proposed PDD amendment and that's our request before the Board.

Don Roberts: Thank you Duane, before we take any questions Joel you see any reason for you to review this?

Joel Bianchi: I don't see any, it seems to me like a zoning code issue

Don Roberts: Okay, thank you. Questions by the Board?

Rich Berkowitz: We don't need a public information meeting?

Don Roberts: No, like I said before the Town Boards got to have one so we could, but we don't need to so

Rich Berkowitz: Okay I'll make a positive recommendation on the PDD.

Tom Koval: Ill second.

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried.

Duane Rabideau: Okay thank you.

Forest Lane PDD Amendment – PDD Amendment Recommendation

POSITIVE RECOMMENDATION. Board received a presentation and made a Positive Recommendation to the Town Board to amend the setbacks of the Forest Lane PDD.

21.159/21.160

ELP Halfmoon Solar, 48 Smith Road - Site Plan & Special Use Permit

Jamie Fordyce: Good evening, Jamie Fordyce with Eastlite Partners, I'm here with Wendy De Wolf of Eastlite partners as well my co-Principal. We appreciate the Boards intent tonight to re-visit its actions at the last meeting and reconsider the SEQR process which we understand was deficient and so we are happy to support the Board here tonight as it works through part 2 of the SEQR form. This morning we submitted to the Board 2 memos in support of this process in the Boards determination, the first is a memo which summarizes all of the potential environmental impacts of the project and speaks to the ways in which the project has mitigated or otherwise has not have a negative adverse impact on the environment. The second memo deals with the granting of special use permits and will be in support of that when it comes to that with the Board. I think with that we're happy to address any questions.

Don Roberts: Okay thank you, so Joel, we will turn it over to you.

Joel Bianchi: Was Lyn going to say something first?

Lyn Murphy: I thought we were going to go through the part 2 just to make the record MOR clear as to what the Boards intent was.

Wendy De Wolf: I would just say also before you get started, I have the SEQR handbook with me and a lot of the questions are very specific to what's certain definitions so we can go through we are happy to bring that to bare.

Don Roberts: Okay, well we will let Joel take the lead, pardon me.

Lyn Murphy: She is saying she has a SEQR document available and if anybody had any questions regarding definitions, she'd be happy to assist.

Joel Bianchi: So, chairman as I indicated earlier in the pre-meeting what I am going to do is go through the part two (2) just so people understand part two (2) of the full EAF is the point in which the lead agency is the Planning Board makes an identification of potential project impacts. There are several categories, and I will go through them again as I indicated earlier, I will make an initial attempt at what we thought whether it was or would not have a potential impact based on the deliberation that the Board has made, and then some technical aspects that we have knowledge of through the engineering analysis that we've done. If there is a yes then we will go down through the categories and each one will recite those sub-categories and the Board may stop me when I say no impact or small impact or the alternative is a moderate to large impact, so if you don't understand me, you stop me if we're good to go we can proceed. So, the first item under the Part 2 is impact on land proposed action may involve construction on or physical alteration of the land surface of the proposed site. In this instance we said it was yes, because there are certain categories in which they hit these certain thresholds that is established, for example, item B the proposed action may involve construction on slopes of fifteen percent (15%) or greater, this has to do with the work on the site, there are areas of the site that are over fifteen percent (15%.) We've indicated in this instance, I'm just giving you an example that the impact would be no impact, or the impact would be small. The reason being is they put forward a stormwater pollution prevention plan, it didn't have to mitigate an impact it demonstrated there would be one, so that's my basis under there. I will go through the rest of it, does the Board agree that there would be an impact on land yes or no? (Board agreed) So we will go through each of the criteria. The proposed action being involved construction on land where depth to water table is less than three (3) feet, in this instance we said there was no, or small impact may occur. (Board agreed) Okay, next Item is proposed action may involve construction on slopes fifteen percent (15%) or greater, its true but we found through our technical review there was no impact, or the impact would be small.

Lyn Murphy: Please, Board members state for the record if you disagree with what he is saying, if you could indicate so and then the Board can vote it.

Tom Koval: I agree there would be no or small impact.

Don Roberts: I think we can do if you don't have a problem with it, we don't need to say nothing right?

Lyn Murphy: Correct.

Don Roberts: Okay, alright.

Joel Bianchi: Item C of the proposed action may involve construction on land where bedrock is exposed or generally within five (5) feet of the existing ground surface. That does not exist, so we said no impact, small impact. Board agree? (Board Agreed) The proposed action may involve the excavation and removal of more than a thousand (1000) tons of natural material, they are not proposing that, so we said it was no impact.

John Higgins: Excuse me but natural material would involve trees also not just dirt, correct?

Joel Bianchi: Under SEQR under this item it's not what it's considered, land is soil and rock.

John Higgins: Again, I was just asking a question, okay so it's strictly soil and rock

Joel Bianchi: Because there is another discussion in a later section about the removal of forest and trees.

John Higgins: Okay thank you.

Joel Bianchi: Next item, proposed action may involve construction that continues more than one (1) year or in multiple phases- they represented this would be under a year of construction and would be a single phase. Small to no impact. The proposed action may result in an increase in erosion, whether from physical disturbance, vegetative removal that will happen again the SWPPP has shown that they could do this work without any impact or small impact. The last item, proposed action is or maybe located within the coastal erosion hazard area - it is not so there is no impact. The next one, item two (2) The Impact on Geological Features-, we said that there would be no impact based on the subsequent criteria, Board agrees with that? (Board agreed) Item three (3) Impact on Service Water- this one we said it was yes simply because of one criteria and I'll read that, so the Board is aware of it. Item D the proposed action may involve construction within or adjoining fresh water or titled wetland or on the better banks of any other water. The only reason we tagged this is because they are seeking a DEC adjacent area permit for clearing trees. All other criteria there would be no impact, even though in this instance we said it was small or no impact. Does the Board generally agree with that approach? (Board agreed)

Lyn Murphy: So just for clarification purposes you're saying that although D was triggered which is why you said yes, you labeled D a small or no impact?

Joel Bianchi: Yes

Lyn Murphy: Thank you.

Joel Bianchi: The balanced of if does not trigger it, because it's all up to discussion of work physically within regulated water, so we thought it was a reasonable conclusion that there was no impact. Next item four (4) Impact on ground water – we said there would be no impact. Item five (5) Impact on flooding – we said there would be no impact, a lot of those questions that pertain below that deal with working in or adjacent to regulated floodways or flood plains, and we do not have that. Item six (6) Impact on air – we said that there would be no impact. Item seven (7) Impact on plants and animals- we said there would be no impact. Item eight (8) Impact on agricultural resources – we initially said there was potentially an impact yes, and I'll explain why, because there have been representations that this site was formerly used for ag purposes and let me explain the one item where it would trigger this. Item D the proposed action may irreversibly convert agricultural land to non-agricultural uses either more than 2.5 acres if located in an agricultural district or more than 10 acres if not within the agricultural district. So, the applicant has represented that this was a formerly agricultural use, I don't know how many years ago they would basically convert that to a non-agricultural use for the lifetime of the solar array, so that's where we said it was a potential impact, but we also noted the impact would be very minimal, that was the only reason why we said yes to that.

Jamie Fordyce: I would also supplement with the de-commissioning plan, there's a plan to remove the facility at the end of the life.

Joel Bianchi: That is a correct statement.

Mike Ziobrowski: So, with that I believe it was twenty-seven thousand five hundred dollars (\$27,500.00) per megawatt is that correct for the de-commissioning plan? So, it's a five (5) megawatt facility, so I just want to be clear its 27,500. 00 x 5 for the de-commissioning plan.

Jamie Fordyce: Yes, we broke it down in simplest terms as cost per mega-watt.

Mike Ziobrowski: Okay I just wanted to be clear on that understanding, okay thank you.

Joel Bianchi: So, the next section is number nine (9) Impact on aesthetic resources- now this is where I believe we heard from the Board some items of sensitivity to certain Board members so we indicated yes, and I think it's worthwhile to go through each item, and those items that the Board is focused there should be a dialogue. So, the first one Proposed action maybe visible from any official designated Federal, State, or local scenic or aesthetic resources- so we indicated no or small impact. I hear nothing from the Board.

Tom Koval: I agree

Joel Bianchi: Item B The proposed action may result in the obstruction, elimination, or significant screening of one or more officially designated scenic views – there are no designated scenic views that are adjacent to the site so we said there was no impact, or the impact would be small. Item C The proposed action may be visible from publicly accessible vantage points, I-seasonal or II year-round. So, this would be a question what is accessible vantage points, has the board felt that anything around the site is publicly accessible and are the impacts visually impacts, do they occur seasonally or are they occurring year-round? Seasonally would be predominantly leaf off periods, year-round would be regardless of whatever tree canopy you can see.

Wendy De Wolf: Can I read the definition of publicly accessible vantage points?

Rich Berkowitz: That's what my question is.

Wendy De Wolf: A publicly accessed, and this is from, I'm reading from the SEQR Full Environmental Assessment Workbook, this is available online its published by the DEC just to help municipalities to fill out part 2, and it runs through kind of all the questions to go through. And a publicly accessible vantage point may be scenic, viewing spots, identified road pull offs and overlooks, parks and greens, road sections within a scenic byway or other locally designated spots. These are the locations where one can view a scenic or aesthetic resource. Some vantage points may have year-round views of the scenic resources, other may important during the winter season when leave is off the trees. So public advantage

Rich Berkowitz: So, who determines what's public and what's private?

Wendy De Wolf: It needs to be a scenic viewing spot, identified road pull off, an overlook, parks and greens road sections within a scenic byway or other locally designated spot, typically locally designated spots need to be in the comprehensive plan that's how they're typically

Rich Berkowitz: So, something the Town has designated as scenic

Wendy De Wolf: Or the State or

Rich Berkowitz: Or Federal, some governmental body has to approve a scenic byway or site.

Wendy De Wolf: Right, so if you're driving the Taconic and you pull off to go look at the view that would be an example.

Rich Berkowitz: It's not somebody walking along a road, and they want to look at a scene.

Lyn Murphy: And you concur with that correct?

Jamie Fordyce: I do, she beat me to it.

Joel Bianchi: So, in those instances we did indicate no or small impact. So, the next one is very similar but a little bit different in context. D The situation or activity in which viewers are engaged while viewing the proposed action is , routine travel by residents including travel to and from work , or recreation or tourist based activities, so that is again there may be a potential for or if the Board feels in the first instance routine travels by residents is something beyond no or small impact, the other one recreational tourist based activities to my knowledge there are no routes that are routinely used for recreational or tourist based activities.

Mike Ziobrowski: I would say no to number 2 but yes to number 1, when driving down Smith Road you will be able to see it from the roadway.

Wendy De Wolf: So again, with the way this was in the workbook, is to answer yes to this item, the proposed impact it says, when a proposed project is part of or visible from a scenic or an esthetic resource, and again that needs to be the designated Federal or Local or State scenic or aesthetic resource.

John Higgins: No, I disagree, it talks about travel to and from work

Wendy De Wolf: Right so again if your like, it does reference scenic or aesthetic resource in the workbook so maybe different views from different people to the question, explores why the project sites in a location that will be viewed on a daily and constant basis within a location that also has an important role in recreation, tourism or economy, that is kind of the second part of what this is going for so when thinking through. So, when we are thinking through these aesthetics or impacts it needs to be viewed as the designated aesthetic impacts under SEQR under the section of SEQR.

Joel Bianchi: I have to look at that one, I don't necessarily disagree with it, but I have to look at the handbook to see that, specific one, so we'll revisit that one.

Jamie Fordyce: Can I also add that the distinction here is your either checking no/ small/ moderate impact or moderate to large impact may occur, that's what yes means, that you're talking about a moderate to large impact and we presented renderings which show the degree of impact, quite clearly as stated.

Rich Berkowitz: Right now, we are talking public only not residential.

Wendy De Wolf: So, in both cases we'd like to, we're

Rich Berkowitz: No, it's a yes or no we're talking about the general public right now

Wendy De Wolf: So, question 9 this question explores consistency in land use between the proposed project and other land uses that may be seen from or part of a scenic or aesthetic resources. It is orientated to those scenic and aesthetic resources that are officially designated and publicly accessible as you said its public resources.

Rich Berkowitz: Number 9 impact on aesthetic resources, at this point in time this is public and not residential and there is an area for residential later on with SRQR.

Joel Bianchi: Where are you reading that in the SEQR handbook where are you reading that about this? Let's continue on , so item C , I'm sorry item E, a proposed action may cause diminishment or public enjoyment, appreciation of a designated aesthetic resource, because this is not a designated resource , we thought there would be no to small impact , there are similar projects visible within the following distances of the project site , they give you step increases 0 to half mile , half mile to three(3)miles, three)3) to five (5) miles and five (5) plus miles. There are only two solar arrays in the Town, there is one up here and the Halfmoon Golf Course to the north, Fairways of Halfmoon ****This portion of tape is inaudible****

Wendy De Wolf: Its two (2) miles to the northeast, 1.9 miles

Tom Koval: So, half the three miles?

Rich Berkowitz: There's one off Johnson Road and one off Staniak Road and Pruyn Hill Road and Staniak Road.

Joel Bianchi: So, the question becomes does this project represent similar circumstances here as it does elsewhere to where the Board deliberated on those applications. So, the question will be no to small impact on these items, or would it be a mild to large impact.

Mike Ziobrowski: What is your position, Joel?

Joel Bianchi: Because I was only aware of one solar array and I wasn't aware of the second one, the first one to the north, that was from what I understand was an open field with virtually no tree clearing, and there is substantial buffering between the residents and very few residential neighborhoods.

Rich Berkowitz: Same one with the second one on Staniak

John Higgins: And the second one's right alongside the one on Cary, is a right along alongside the railroad tracks.

Tom Koval: But there are houses all in front of it.

John Higgins: There is two houses

Tom Koval: Staniak, absolutely your drive up Staniak your looking, there's two houses right in front of it, you're looking down at the thing, they built it behind the houses

John Higgins: Well, the one house is the owner of the property

Tom Koval: Okay

John Higgins: And the other house on the other side, but there are only the two houses, I agree with you

Wendy De Wolf: Again, I would like to refer back to the workbook, this needs to affect a scenic or aesthetic resource this whole section needs to affect a scenic or aesthetic resource, it's not relevant here and so if the proposed project is similar to multiple developments the projects in the areas in terms of scale context, dimensions, density, design and location. It is not likely to have any impacts to scenic or aesthetic resources. So that's really where it comes down to in the workbook.

Mike Ziobrowski: I think the aesthetic has to do with the proximity of the solar farm relative to the neighborhood so the proximity of the neighborhoods to the Pruyn Hill location is 442 feet the closest proximity yours is 130

Wendy De Wolf: Right but it's a very different level of visibility, and so if you look at that site and we've been doing some analysis on this this week is there is couple of major differences, first that project is set back as you said from the houses but it is going to be more visible from individual houses, there's several single family homes along Pruyn Hill road that have more of a direct view of that project than any house is going to have. Given the screening that we have done on our project, so that's part one (1) Part two (2) which is a really big distinguish for this project and we'll talk about it as well in other parts of this site plan, is the poles. What is sets this project apart is the utility lines go through the site and so you will not see any utility poles along the street, and this is something that is very unusual on project, when you are driving Pruyn Hill Road you will see two sets of utility poles that go up the street that are not there entirely visible and this project will not have that visual impact, so if you kind of look at these two different structures as the most kind of out of height, visible most impactful part of these projects are always the utility interconnection because that is what is dictated to us by the utility we can't mitigate that and they weren't able to do that, so you can kind of go through the road and you can see the open houses and if you are in the houses next door your across the street or you're in the traditional subdivision and up the street, you're going to have a more direct view of the project and the opening of the road is going to have a more direct view from the street. What's great about our project from a visual perspective if you want to think about aesthetic resources as the impact you know which again is not how its defined, but as the visual impact to the neighbors, we have sent in a large setback 130 ft. setback, we're keeping existing vegetation, we are doing a set of evergreen trees, throughout the side that would prevent visibility to neighbors and we're doing a privacy mesh on the fence so you will not be able to see this under the conditions that we have proposed and we heard the feedback from the Town, we'd like to address that.

Rich Berkowitz: The one point you are missing on Pruyn Hill Road you cannot see that array, from Pruyn Hill Road or the residences, correct yes, or no?

Wendy De Wolf: So, I believe you can

Rich Berkowitz: You don't live here.

Wendy De Wolf: That's right I don't live here but

Rich Berkowitz: You do not live here, you do not drive that road

Lyn Murphy: I'm going to ask that each of you talk one at a time.

Wendy De Wolf: I appreciate that I would just say the poles won't be visible on our project, which is a very big difference.

Rich Berkowitz: There's poles up and down Pruyn Hill Road anyway those lines are not buried.

Wendy De Wolf: Okay

Tom Koval: There are four (4) houses across from the Staniak project

Rich Berkowitz: Okay four (4) versus a lot more on this project

Tom Koval: That all look directly down at it with no screen.

Don Roberts: Okay Joel, where were we.

Lyn Murphy: What was your recommendation on that?

Joel Bianchi: Even though we didn't have the understanding on that one I still thought it was no to small impact, because just looking at a comparative I thought is project, and this is up to the Board, is this project so much dissimilar to the other solar arrays, as we are talking through this there is absolute correctness in saying that it's not next to a scenic byway it sort of dismisses a lot of the items in this category.

Lyn Murphy: So, is that your response on D?

Joel Bianchi: It's our opinion it would be no to small impact.

Lyn Murphy: Okay thank you.

Don Roberts: Okay go ahead

Joel Bianchi: So, impact on the Historic and Archeological Resources show no impact. Impact on open space and recreation we said that there would be no impact. 12) Impact on critical environmental areas there would be no impact. Impact on transportation, we said there would be no impact. Impact on energy we said there would be no impact. Impact on noise, odor, and light, we said there would be no impact. Impact on human health, we said there would be no impact. Consistency with community plans we said there could potentially be an impact. Item of, we'll read through each one of them. Item A) the proposed action land use, components may be different from or in sharp contrast to current land use patterns. I think the Board needs to sort of deliberate on this one.

Mike Ziobrowski: I think it's grossly different in the fact that that land is zoned for agricultural and residential.

Marcel Nadeau: I agree with that, I feel it's a moderate to large impact.

Wendy De Wolf: I would like to again refer to the workbook and how you define surrounding. The workbook says consider surrounding to mean those land uses as east and to the project site and those within the same zoning district if one exists, and so if you're comparing this project to other resource, you know other agricultural, residential uses then you need to be able to refer to the precedent where a project has been approved, solar project in the agricultural residential zone and therefore it is consistent, so we understand that it is, you that's not a neighborhood with many, many solar farms all around it but there are solar farms in the surrounding districts and so it is by definition a precedent that's been set by this Board cannot be deemed not in character, based on SEQR.

Mike Ziobrowski: Unfortunately, that precedent in my opinion should not have been set from the beginning.

Wendy De Wolf: But it was

Mike Ziobrowski: And therefore, I feel that those, the character of this particular of this neighborhood simply because of its proximity is not in the same character as the other solar farms. This is not agricultural, you may call it a solar farm okay, but it's not a farm.

John Higgins: And the way your interpreting that, that means that every time we allow a duplex anywhere in the Town that we cannot reject it, which obviously if you were listening to a couple of projects earlier, you got the definite impression that the Board was not happy with that duplex, so you can't say just because we approved a solar array somewhere in the Town in past hundred years that we can't reject this one.

Wendy De Wolf: I'm not familiar with the underlying zoning regulations on a duplex and what would be required, I can only

John Higgins: It's a special use permit which is exactly the same thing

Lyn Murphy: You gave what you believe the definition, our engineer is giving them what they are reciting on the record their concerns we don't need to argue but they are going to think it's one or the other period.

Don Roberts: Just remember we are not here to argue, okay we are going through a process, and we are not here to argue.

Lyn Murphy: Why doesn't the Board vote A?

Joel Bianchi: This one item you should poll the Board, is this item a moderate to large impact, which is basically the proposed actions, the proposed actions land use components are different from or in sharp contrast to current surrounding land use patterns.

Mike Ziobrowski: I say yes

Lyn Murphy: Poll the Board

Don Roberts: We are going to poll the Board okay, John?

John Higgins: Yes

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Don Roberts: Mike

Mike Ziobrowski: Yes

Don Roberts: Rich?

Rich Berkowitz: Yes

Don Roberts: No

Tom Koval: No

Charlie Lucia: No

Marcel Nadeau: Yes

Don Roberts: So, its 4 to 3

Lyn Murphy: Correct

Don Roberts: Okay

Joel Bianchi: So just for brevity the rest of those items , proposed action will cause permanent population to a city , town or village in which the project is located will grow by more than 5% , we said no impact, proposed action is inconsistent with local land use plans or zoning regulations.it is allowed use , it is a special use allowed in the zoning district , so the question is, is it allowed by zoning, yes its allowed under special circumstances and the conditions the Board feels appropriate so that is, so in that instance we said there would be no to small impact.

Don Roberts: Okay next one

Joel Bianchi: The proposed action is inconsistent with any County plans or other regional land use plans, we said no or small impact. The proposed action may cause a change in intensity of the development that is not supported by existing infrastructure or is distanced from existing infrastructure, we said no or small impact. The proposed action is located in an area characterized by low density volume that will require new or expanded public infrastructure, we said no to small impact will occur. And the last item under this category, the proposed action may induce secondary development impacts, e.g., residential, or commercial development not included in the proposed action. We said no or small impact. The last item is consistency of community character, the proposed action is inconsistent with the existing community character. Before I answer yes or no, I think I need to read the subsection, because they're sort of germane to the topic. Item A, the proposed action may replace or eliminate the existing facility structures or areas of historic importance to the community. The proposed action may create a demand for additional community service, e.g., Schools, police, or fire. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources. The proposed action is inconsistent with the predominant architecture scale and character and the last item, the proposed action is inconsistent with the character of the existing natural landscape, are there any items under that one where the Board feels there is a moderate to

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large impact; the only items of potential to raise to that, based on the prior dialogue of the Board, would be the last one, F.

Rich Berkowitz: I'd say E enough

Mike Ziobrowski: I'd say E, enough

Marcel Nadeau: I'd say yes to F and G, I'm sorry E and F

Lyn Murphy: So, we are going to poll the Board on E

Don Roberts: John

John Higgins: Yes, on E

Mike Ziobrowski: Yes, on E

Rich Berkowitz: Yes

Don Roberts: No

Tom Koval: Yes

Charlie Lucia: Yes

Marcel Nadeau: Yes

Lyn Murphy: And then on F.

Wendy De Wolf: Can I ask a question about E?

Don Roberts: Go ahead

Wendy De Wolf: E in the workbook says understanding the size height dimension and intensity of the uses that already exist in the neighborhood, so I'm not sure I understand

Tom Koval: The reason I voted yes is because predominately the architecture is residential structures, and these are not residential structures that's my thought on it.

John Higgins: I'd like to go back for a second as far as B the fire departments which you know handle these areas have expressed concerns previously and they've gone through, so it does affect the fire protection areas, maybe it's a low or a minor impact but there is an impact. I know I just wanted to mention that.

Joel Bianchi: So just to revisit this one 18, the response is a yes it appears that there is a moderate to large impact on E.

Don Roberts: Okay for F John?

John Higgins: Yes

Mike Ziobrowski: For F yes

Rich Berkowitz: Yes

Don Roberts: I'd say yes

Tom Koval: I say no

Charlie Lucia: I say yes.

Marcel Nadeau: Yes

Lyn Murphy: Okay based on the responses from the Board Joes what is our next step?

Joel Bianchi: Our next step I believe now you would make findings of significance which would be a positive declaration, the Board does that the next step we would do is craft the Part III, determination of the significance and there are procedural steps after that. After that the application effectively stops, meaning this Board would not act on the Special Use Permit, it would be set aside and the applicant has the opportunities to go down through and have to prepare an EIS. But first we do scoping, scoping is going through this again and saying what are you going to evaluate on the environmental impact, what will be the next step. There are some procedures that we have to deal with, we have to notify these agencies of the Boards decision of a positive declaration, and we actually have it published in the environmental news bulletin, that's notifying the State when we do a positive Dec something under SEQR for a Type 1 action. Those are near term steps

Lyn Murphy: Okay, so the next step for this Board is to determine whether or not you want to do a neg dec or a pos dec.

Wendy De Wolf: Can I actually read part 3 first ****this portion of tape is inaudible**** because there's very important things

Lyn Murphy: Our engineer is the person who consults with this Board we are going to put our faith and trust in what he is telling us, and we will proceed from there.

Rich Berkowitz: I'll make a motion to have a positive declaration for SEQR.

Mike Ziobrowski: Ill second

Don Roberts: Okay we have a motion and a second for a positive declaration for SEQR, all in favor say aye? (4 for) Opposed? (3 against)

Wendy De Wolf: May we request that the Board please support and put forth their reasons supporting this document this determination and as you do it, the assessment should take into consider any design or project changes it has to identify each of the issues that were considered as part to responses.

Lyn Murphy: We just went through the whole process, and we will do an open,

Wendy De Wolf: No, I'm doing a part three this is the next part of

Lyn Murphy: We're not there

Don Roberts: We're not there

Lyn Murphy: We do understand we have to have a scoping

Wendy De Wolf: No that's separate, so my understanding of part 3 and Joel please advise as you see fit is that you go through part 2 then you make your reasons on part 3 and that's how you get to your vote on whether something is a positive or negative declaration and you have to back it up and if it is positive then you go to scoping, part 3 comes first.

Joel Bianchi: The Board believe it or not was doing both, we were discussing potential impacts. The Board was enumerating their concerns and evaluation of those impacts, so while we didn't articulate and say we're doing the part 2 and then we're doing the part 3, the Board was affectively doing it saying this is an impact, this is why they felt the impact existed even after you submitted various documents and visual simulations the Board still aligned with that same determination so we effectively did do part 2 and part 3. The Board will prepare a written part 3 which we have to file with all the involved agencies and make notification to the ENB

Don Robert: So, Joel so now the next step is between you and the applicant, right?

Joel Bianchi: The next step is obviously what I talked about procedural aspects, the next step is we would have a dialogue with the applicant about going to the scoping process basically

Wendy De Wolf: This is like a two-year process

Joel Bianchi: We would reengage the Board, they would have to prepare a draft scoping document we would review it internally the Board will review it, then we doing a public scoping session; first we have to arrive at a scoping document.

Don Roberts: Okay so that being said we're done here for now.

Wendy De Wolf: I'd really like to return to this point I know that you guys , thing on this project but it's not , for a solar project to have a positive declaration is, given these points and given the way that we've addressed it and given that it's an allowed use in this zone is very highly unusual and I'd like to refer back to your previous applications that have been in front of the Board this evening, you know if you go through and want to go through the pieces of where your addressing you know I think a lot of other, of the other place, applications that have gotten negative declarations in this case or in previous cases right if you actually went through the form you would find that they would be hitting about the same number of items that we are and so I you know, but they're able to go through with a negative declaration, I think the biggest issues that have been addressed here are the visual impacts to aesthetic resources which do not exist, there's no designated esthetic resource, and in terms of the architecture and character there is a reading of it that is you know well documented that says around the architectural character of the zone and you have domain to allow so you

have a permitted use that is, that meets the requirements of your comprehensive plan and I understand that there, there I would that there, the aspect of this is despite kind of our work to really mitigate it and I think that we would really like to work to mitigating if you think it needs to be further that the impacts that are there but for us to kind of come to this point and say there's a positive declaration kind of seeing the other projects that have been in place you know and the other way that Items have been addressed here you know I think that we have come to the table you know really willing to kind of mitigate this and, and perhaps it will mitigate through this the positive process, however it is highly unusual for this type of project and any considering the level of development of a subdivision when I ask if, you know if the last subdivision that went through and you know go through on Misty Meadows Way, go through the same level of review and a positive declaration because I can imagine storm water and the wetlands impact next door and you know the impact to increasing the population of 5% there be several places where you would check yes and I imagine that one got a negative declaration so I ask consistency here.

Lyn Murphy: You heard what the Board said I understand what you are arguing I appreciate the fact that you want to put it on the record, you heard what the Board said you heard what our engineer recommended so we'll have to proceed accordingly. I understand what you're saying, the Board voted the way that they voted.

Wendy De Wolf: I understand but I think that

Lyn Murphy: You keep arguing, I'm telling you

Wendy De Wolf: I'm not arguing I'm just

Don Roberts: Ma'am we are done here, okay.

Wendy De Wolf: Okay

ELP Halfmoon Solar – Site Plan & Special Use Permit

POSITIVE DECLARATION. Board made a motion to issue a Positive Declaration pursuant to the NYS Environmental Quality Review Act (SEQR).

Don Roberts: Motion to adjourn please

Kevin Koval: I'll make a motion to adjourn

Don Roberts: Do I have a second?

John Higgins: Ill second

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, thank you good night.