

11/28/2022

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

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

Planning Board Members:

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

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineers:

Joel Bianchi -absent

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

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

Mike Ziobrowski: I make a motion to approve the minutes.

11/28/2022

Rich Berkowitz: I second.

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

New Business:

TRC Environmental Corp, 3 Corporate Dr- Change of Use/Tenant (22.173)

Dan Lill: Dan Lil Abele Builders. This tenant in an environmental consulting company, approximately ten employees, fairly standard straightforward office use. There is no construction. They're moving in sometime in January.

Don Roberts: There will be ten full time employees, so there is plenty of parking

Dan Lill: There is no parking issues at that building

Don Roberts: Right, right yea just making sure, questions by the Board?

Rich Berkowitz: I make a motion to approve the change of use and tenant.

Mike Ziobrowski: Ill second it.

Don Roberts: All those in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, if they want a sign they have to come back, you know that right?

Dan Lill: What's that?

Don Roberts: If they want a sign, if they want a sing on the

Dan Lill: Oh, there won't be anything more than what is on the directory and the street sign now.

Rich Berkowitz: We would typically require one for that.

Dan Lill: For the street plaque right on Corporate Drive each individual one? Oh, I did not know that, okay.

Don Roberts: Alright, it shouldn't be a big deal, really just do an application, it should be the same, come in and get approved that night probably so.

Dan Lill: Okay

Don Roberts: It won't be a big deal

Dan Lill: Alright thank you very much

Don Roberts: Thank you, take care.

11/28/2022

TRC Environmental Corp- Change of Use/Tenant

APPROVED. Board approved the use of vacant space at 3 Corporate Drive for an office for an engineering and construction company.

T-Mobile Antenna Upgrade, 47 Clamsteam Rd – Telecommunications Co-Location (22.160)

Timothy Greene: My name is Timothy Greene from Crown Castle and T-Mobile in regard to T-Mobiles upgrades on their existing facility on this tower. The second location on the tower that's existing a waffle, there is existing 6 antennas now, they are replacing all 6 antennas and adding three antennas to the existing southern side and plus changing the equipment on one.

Don Roberts: There will be no change on the height, correct?

Timothy Greene: There is no change in the height.

Don Roberts: Okay how about around the antennae any new construction on the ground or no?

Timothy Greene: There is no increase in the fenced area, if you go up there is a view looking, a birds eye view looking down on the left hand side you will see the six antennas and then on the right hand side the nine, platform is designed for about twelve antennas so no increase there, I think if you go to the next page are the C-1 up to page three it will show you what the ground cover there is one cabinet there that is broken into two small cabinets in that existing location.

Don Roberts: Okay, questions by the Board?

Rich Berkowitz: I make a motion to have a neg dec on SEQR

Mike Ziobrowski: I second

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

Rich Berkowitz: I make a motion to approve the co-location

Mike Ziobrowski: Second it.

Don Roberts: All those in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, your all set

Timothy Greene: Thank you very much

Don Roberts: You're welcome

T-Mobile Antenna Upgrade– Telecommunications Co-Location

APPROVED. Board approved the proposal to upgrade equipment on the tower at 47 Clamsteam Road.

Adirondack Horticulture, 40 Farm to Market Rd (Bldg. 6-D) – Change of Use/Tenant (22.179)

Bruce Tanski: Bruce Tanski, Clifton Park. Adirondack Horticulture wishes to utilize one storage unit totaling 1500 sq. ft. at 40 Farm to Market for the storage of equipment and supplies related to their landscaping business. The proposed tenant has been advised that the unit is strictly for storage purposes and that no outside storage or disposal of waste on the property is permitted, the tenant is also aware that a desk is permitted but there will be no partitioning for office space.

Don Roberts: Questions by the Board?

John Higgins: Are they going to be parking vehicles outside overnight

Bruce Tanski: There are some, can't help it.

John Higgins: Okay that's not, we're not going to have 20 trucks parked there?

Bruce Tanski: No, no like the sheriff that does tents he's got one truck there, we wouldn't allow that anyways

John Higgins: Okay thank you.

Bruce Tanski: Yup

Mike Ziobrowski: I would like to make a motion to approve the change of use, tenant.

Rich Berkowitz: Ill second

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

Adirondack Horticulture – Change of Use/Tenant

APPROVED. Board approved the use of 1,500 SF for storage of supplies related to a landscaping business.

CapitaLand Flooring, 40 Farm to Market Rd (Building 6-A) – Change of Use/Tenant (22.180)

Bruce Tanski: CapitaLand Flooring currently has one storage unit, their business has grown they need another one, so the same thing, its 1500 sq ft. for their equipment, storage and supplies related to their flooring business. They have been advised of the same thing, that the units for storage purposes, that no outside storage or waste is permitted. The tenants also aware that a desk is permitted but no partitioning of office space.

Don Roberts: Questions by the Board?

Rich Berkowitz: I make a motion to approve the change of use and tenant.

Mike Ziobrowski: I second

11/28/2022

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

Bruce Tanski: Thank you.

Don Roberts: You're welcome

CapitaLand Flooring – Change of Use/Tenant

APPROVED. Board approved the use of 1,500 SF for storage of supplies related to a flooring business.

True Realty LLC, 405 Hudson River Rd- Change of Use/Tenant & Sign (22.169/22.170)

Don Roberts: Anyone here for that? Okay we will come back to them

The applicant failed to appear.

Town Auto Inc, 441 Route 146- Change of Use/Tenant & Site Plan (22.176 / 22.177)

Rob Murray: Robert Murray, what I'm looking to do is to change this property from residential to commercial? It's located in front of the new secure storage facility and trying to get a tenant with that behind me is not working so these gentlemen were introduced to me from some of my car buddies and now what they're looking to do is relocate their car facility there and I'll let them tell you exactly what they are looking to do, thank you.

Don Roberts: Can I have your name please.

Khawaja Zubair Javaid: Yes, and I'm one of the partners in Town Auto, and we are looking for the like we are trying to move our location to this one. That's what we are looking for.

Don Roberts: How many cars you plan on having there?

Khawaja Zubair Javaid: It's going to be around 50

Don Roberts: 30 to 50?

Khawaja Zubair Javaid: Yes

John Higgins: Where are you located now?

Khawaja Zubair Javaid: It's in Schenectady on 10th avenue

John Higgins: And how many cars do you have there?

Khawaja Zubair Javaid: 15, 16 right now

Don Roberts: See my concern is this, I mean it seems like an awful lot of cars on that site first of all, secondly if you do get approval, we want to make sure that there is no trucks unloading on Route 146. You've got to have room to pull those truck in and back in and get the cars off in the property not on the road. Can that be arranged?

Khawaja Zubair Javaid: Yes, I think so because there is enough space to go inside so I think

John Higgins: You're going to have to show us a diagram where you can take a truck and a trailer and go up in your property and unload and pull back out, because I have a CDL, and I don't think I can go in there with even a two-car carrier and turn around in that spot.

Rob Murray: You're absolutely correct, I agree with you. What we're doing is we are bringing in a pickup truck with a car trailer on it, no car carriers are coming in there no trailers with three cars on them are coming in there. Its just a pickup truck with the cars, the cars will be driven in and parked because we already addressed this with the Town, because I had the property down the street with 425, with the scaffolding company which we didn't know when they brought a tractor trailer in there and blocked the road, which turned into a nightmare. So yes, we are, these are some of the concerns that the Town brought to us, and we addressed with them that you can't just stop a car carrier on this road, it's too busy, but that's not what going to happen, it's not going to be like a dealership, you know like a Northway Toyota or something like that. Cars will be coming in on a car trailer or driven in on a dealer plate.

John Higgins: Even a single car trailer if he is putting 50 cars in that lot, you're going to have a heck of a time

Rob Murray: Well, you can come right into the front there off the road, I do it now myself with when I had my cars, I mean there is more than enough room to bring the car trailer in and roll a car off and turn around and come back out.

Don Roberts: Just to save time here we can't take action anyhow tonight we have to refer this to the Saratoga County Planning Board and our Town engineer, so I recommend we let the Town engineer look at this plan and then he can make any recommendations he thinks best for the site, fair enough?

Mike Ziobrowski: If it becomes contingent on just using a truck with a trailer then you should put that in the narrative.

John Higgins: Also, you can't use any of the area in front, the green space, you can't use that for any kind of a display also

Rob Murray: Right, which we weren't going to do, but then when we spoke with the Town Planning Board, they asked us if we were going to do that so we didn't know at the time we were like well as of not now but year or two years down the road depending on how things go there might be a display of cars out there. Right now, 99% of the business is done through the internet, kind of like

John Higgins: Well, if we are looking at a site plan that you're proposing it does not show a display area, so if you want to change it you can talk to Rich or Don you may have to come back before the Planning Board with a revised site plan if you want to

11/28/2022

Rob Murray: We will stay with what we have and then in the future if we have to, we will come back in front of the Planning Board, but as of right now we just figured if we were up here, we would address it we didn't know with the drawings.

John Higgins: Well, there is green space requirements

Rob Murray: Correct

John Higgins: Which you need to meet also

Rob Murray: And we'll leave it the way it is

Don Roberts: Lets let our Town engineer review this and then he'll have comments I'm sure, and we've got to refer it to the Saratoga County Planning Board anyway so, we'll do that, and we'll get back to you.

Rich Berkowitz: I just have one question, are you doing any repairs on site?

Rob Murray: No oil changes, no nothing?

Rob Murray: No

Rich Berkowitz: And also, you only have 47 spots there and you want to put 50 cars so that doesn't fit. I would err on the lower side

Don Roberts: Again, our Town engineer he may have it lower yet so we will see, alright, okay thank you very much, okay take care.

Rob Murray: Thank you.

Town Auto Inc- Change of Use/Tenant & Site Plan

TABLED. The application for a retail automobile sales business with associated parking improvements was referred to the Town Engineer and other agencies for technical review.

Stone Management, 428 Hudson River Rd – Change of Use/Tenant & Special Use Permit (22.155/22.181)

Brian Helf: Hi my name is Brian Helf, I'm from Stone Management, and we're located in Watervliet, Im looking to establish another warehouse in Waterford. Our proposal is for logistics, warehousing, pallets, non-hazardous pallets, no racking just bulk storage.

Don Roberts: Just to let you know this needs a public hearing, you know that?

Brian Helf: I didn't

11/28/2022

Don Roberts: It's a special use permit so we need a public hearing on this, but that being said comments by the Board?

John Higgins: You said approximately ten tractor trailers per day?

Brian Helf: Yes

John Higgins: Will the tractor trailers be parked there over night or are they just going to unload and leave?

Brin Helf: They will unload and leave, there might be a couple of tractor trailers back to the dock but not tractor trailers.

John Higgins: Okay so we can limit the number of tractor trailers that are left there over night because we have had problems in that area where it turns out there are a bunch of tractor trailers parked over night

Brian Helf: Okay

John Higgins: You know that's something that when you have the public hearing you may want to address that because there maybe neighbors that want to get an idea of what's going on.

Brian Helf: Why does it have to go to a public hearing because of re-zoning a couple of years ago?

Don Roberts: It's a waterfront commercial zoning area

Brian Helf: Okay

Don Roberts: So that's why it has to go to public hearing, Im sorry I thought you were aware of that, Im sorry

Brian Helf: I was I didn't know about the public hearing right now Softex is finishing up their operation there so we're doing nothing right now

Don Roberts: Yea but its still, you still need a public hearing, change of use needs a public hearing so.

Richard Harris: They didn't when they moved in, but zoning changed

Brian Helf: Okay, when does the public hearing take place?

Richard Harris: We've got to set it

Brian Helf: Give me a rough idea is it a couple of weeks out is it a couple months out?

Rich Berkowitz: Two weeks

Don Roberts: Two weeks or a month what do you guys think?

11/28/2022

Richard Harris: If you set it for the next meeting its December 12th

Don Roberts: Is that okay, you guys have time to get the notices out and all?

Richard Harris: Yes

Brian Helf: Is there any information you need from us?

Richard Harris: No

Don Roberts: Not at this point no, when you come that night if anyone has questions, we will need you to answer the questions.

Rich Berkowitz: What type of materials do you usually store?

Brian Helf: Its going to be cardboard, packaging supplies, it's for a manufacturer for toothpaste

Rich Berkowitz: Nothing hazardous?

Brian Helf: Nothing hazardous, and nothing on racks its pretty simple storage.

Rich Berkowitz: Ill make a motion to have a public hearing on December 12th.

Mike Ziobrowski: Ill second

Don Roberts: All those in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, see you December 12th, okay.

Brian Helf: That's at night?

Don Roberts: Same time, right here, okay take care

*Stone Management – Change of Use/Tenant & Special Use Permit
PUBLIC HEARING SET. The Board set a Public Hearing for the December 12, 2022, meeting for the
Special Use Permit to operate at 428 Hudson River Road.*

Old Business:

Bridgewater 1 Solar, 6 Brookwood Rd – Site Plan & Special Use (22.050 & 22.043)

Bridgewater 2 Solar, 4 Brookwood Rd - Site Plan & Special Use (22.051 & 22.042)

Bridgewater 1 Solar & Bridgewater 2 Solar, 4 & 6 Brookwood Rd - Minor Subdivision (22.044)

Anna Rehder: Anna Rehder of Environmental Design Partnership, Im here with Sean Ryan of Eden Renewables. I think you guys have seen this before I don't think we need to go through it again, if you want to skip right to the picture of the site plan, we can go over any further questions you have. We're her tonight requesting

Don Roberts: We had a public hearing and there were no comments at the public hearing so

Anna Rehder: Yea so we are here requesting the site plan approval, special use permit for both Bridgewater I and II and a minor subdivision to make the project work.

Don Roberts: Okay

Rich Harris: If the Board is prepared to take action on the applications tonight or if at a minimum take action on making a determination of significance under the State Environmental Quality Review Act, you have in front of you a completed part II Environmental Assessment form. The first two pages is a summary of those items in the part II that potentially could have an impact on the environment based on this type of project, the location the type of work that's needed to install it, any comments received by the Board, documents submitted by the applicant. If the Board would like I can walk through the document, I provided to you. The top of the document says State Environmental Quality Review Act determination of significance. What I did those first two pages is the summary of the part II which is that attached that's the last 10 pages of the document, that's the actual form which was developed based upon documents submitted by the applicant comments and discussions by the Board. Our Town Engineer, MJ Engineering's review of the project, an extensive review back and forth with the applicant. A majority of the comments have been addressed by the applicant and the revised plan, we have a review letter from the engineer, believing that all potential environmental impacts have been addressed or minimized by the applicants revised plan, but in an effort to walk through the EAF I will spend the next couple of minutes going through that again this is a draft. The Boards welcome to question the applicant, question myself, disagree with the draft and go from there regarding the environmental review and SEQR analysis. So, in the part II EAF which you have in front of you the very first item is impact on land. This project will obviously involve construction and physical alteration of land, so that is checked yes on the full environmental assessment form. When you go through the sub items A – H there were identifiable areas based on review of this project that could have potential impact but the draft states that I would be small or no impact at all that would be question 1A – the proposed action is on land with a water table depth of less than three feet, there are Army Corps. wetlands on the site, its proximity to the Hudson River and analysis by the applicant obviously there's a high water table there in some instances less than three feet. The applicant has proposed a stormwater pollution prevention plan or SWPPP that has reviewed and believes that it's consistent with the regulations of the State and Town. The applicant is proposing solar arrays in Army Corps. Wetlands which is permitted by Army Corps. within certain construction requirements. They've acknowledged that they are aware of those construction requirements and are working with Army Corps. on that. If you have questions about what that construction, I would turn it over to the applicant to address it but, in short basically not dredging the wetlands and removing the vegetation from it. It is what the solar array would have to be limited to or not impacting that. Also question 1-F, since the project does involve developmental land there could be erosion due to the physical disturbance and vegetation removal but again the SWPPP which has been reviewed by the engineer, our Town engineer and developed by a professional engineer it's been determined to meet all local and State stormwater regulations to minimize that so that is also checked off, no or small impact. Item 2 – Impact on Geological Features, there were none so that's checked no. Item – 3 Impacts of Surface Water, the project may affect one or more wetlands as I described a minute ago, there are Army Corps. wetlands that will have a raise installed within Army Corps. regs. There are also DEC wetlands onsite, but the applicant is not proposing any disturbance of them and meets the DEC buffer requirements of a 100-foot buffer without requiring any type of

approval from DEC. In that regard questions 3 – D and 3 -H relate to that although due to the split and the allowance by Army Corps. to allow certain construction those are determined in the draft to be a no or small impact. Question 4 impact on ground water, there would be no impact on groundwater. They are not adding a water supply or drawing water for the project. The number 5 – Impact on Flooding, there would be none, and they are not developing within the flood planes. Impact on air none so that's checked off no. Number 7 – Impact on Plants and Animals, there will be some clearing and grading so vegetation will be removed so it will not be a permanent alteration, they will have vegetation there after that grows around it, and under the solar panels and the type of construction isn't a permanent loss of that if they were to end the project some decades down the road, they have a decommissioning plan we will talk about in a minute that would result in the removal and restoration of those lands to pre-development conditions. The question 7 -A & B under the applicant's analysis of potential habitats, due to the Hudson River corridor there was a potential flag on the online flagging system of DEC, a portion of this project could potentially be a habitat for the Bald Eagle, which is on the States Endangered Species list. The applicant had a habitat biologist inspect the site, conduct a field investigation of the site, and found no habitat areas or nesting for Bald Eagles so that is checked off no, or small impact. Item number 8 is Impact on Agricultural Resources. The site was formerly agricultural land, and the applicant will be developing it, so potentially it could impact the soils conducive to agricultural recourses, but as explained a minute ago. If the solar panels were removed or the project ends their required to be removed. The decommissioning of the site they would return it to pre-construction conditions. That's relative to question 8B, that is checked off no or small impact may occur to other cultural impacts on other agricultural resources in the area. Question 9 on the EAF part 2 EAF is impact on aesthetic resources. This relates to several of the sub-items on question 9, specifically A, C, D, E, and F of the Old Champlain Canal Way Trail there, also Towne's Lighthouse Park is nearby. The project does conform to the Towns own Zoning which requires an enhanced buffer and setback from the Canalway Trail, so they did adhere to our own local guidelines regarding setback, there is also an existing solar right next to it, so the current view from the trail will not be altered dramatically over what's already there from that aesthetic resource the Champlain Canal so those items mentioned A, C, D, E and F, are checked off as no or small impact may occur. Item # 10 impact on historic and archeological resources the project is adjacent to the old Champlain Canal Trail. The applicant did conduct and archeological investigation and consulted with New York State office of Parks, Rec, and Historic Preservation. Specifically, within their SHPPO office and a no effect letter was issued by the office regarding impacts on cultural and archeological impacts. They found the applicants analysis acceptable and agreed with it. Item 11 impact on open space and recreation, this is not an existing open space or recreation site or identified as such with the Town so that would have no impact. Item 12 impact on critical environmental area, that's a designation by the State of New York, this site is not designated as CEA site, so that's no. The impact on transportation, none, other than during construction which is typical and understandable with a project like this. There will be no impact on adding to the transportation system in a burdensome or impactful way, that's checked no. Impact on energy, the project will actually generate energy, it will not draw or require for the construction of additional capacity, it is capacity by itself that is checked off none. The impact on noise, odor, and light. This is checked none, obviously there us noise during construction, but that is not the intention of this part of the EAF, the Town does not have a noise ordinance that govern construction therefore there would be the typical and normal expected noises from construction during the life of the project while its being constructed, which is six months, its not an extended multi-year project. The applicant estimates that it will be a six-month construction process. Obviously, no odor and light issues generated this number 15 is checked no. Item 16 impact on human health, you can see the subcategories there, none of them were deemed in the draft or based on any information should have an impact on human health. Is it consistent with the community plan? The questions actually if you read it its, is the project inconsistent with the community plan, it is not the site is not designated on the Towns comp plan or on updates or on zoning done by the Town since then. The applicant is compliant with the Zoning for this site and is before this Board accordingly, so this is not inconsistent with the Towns community plan and is checked none. Item 18, consistent with community character,

again this is worded odd if you read it, it actually says, is this inconsistent with community character, it is not it is permitted under the Zoning through a special use permit, allowed under the zoning already. But there is already an adjacent solar array on Town property next to it, there are a large number of non-residential uses around the site, so it is not inconsistent with community character. That's the draft part 2 EAF, if the Board does not have any objections or concerns to express to the applicant in this regard, you would now be able to make a determination of significance which is also part of the part 3 EAF. The Board did conduct what's known as a coordinated review, this is called a type 1 action. A coordinated review was sent to all interested and involved agencies which responded, they deferred to the Town they did not object to the Town being lead agency, while some agencies may have additional permitting with the applicant, and are certainly able to conduct their own SEQR review under the coordinated review none of those agencies objected the Town taking lead agency, so if the Board feels that is comfortable as lead agency and based upon the documents submitted, statements by the applicant, comments by fellow Board members and the draft EAF, you are able to make a determination of significance, at this point which will, the minutes from this meeting and the documents provided to you will be incorporated as part of that determination of significance. I turn it over to you.

Don Roberts: Thank you, that's a neg dec we need right?

Richard Harris: If you need a motion to make a determination of significance if you feel a negative declaration.

Anna Rehder: Can I make a small clarification? There are flood zones onsite there's a 500-foot flood zone around the southern Army Corps wetland, however according to Town Code that's not an issue.

Richard Harris: You're not impacting them

Anna Rehder: No, we're not impacting it and I've talked with Joel and he's fine with it.

Richard Harris: Okay, thank you.

Don Roberts: Now do any Board members have any concerns about what we just went over, anyone disagree with what we just went over? (No) before we go any further if this does get approved, we're going to need a decommissioning proposal from you as well.

Richard Harris: I do want to add if they make a, once the Board makes a determination of significance, I'd like to just take a second to discuss some other document I provided on the special use permit.

Don Roberts: At this point we'll need a, if everyone's satisfied, we will need a motion for a neg dec for SEQR

Mike Ziobrowski: I was going to go through each, I was planning to do the neg dec for SEQR, but I was going to go through each side if you want to end with that as we typically do, if you want the negative declaration for SEQR to start that's fine.

Richard Harris: You could take input from the applicant on that, I think for purposes of SEQR you should, in my opinion and the applicant and the council can certainly chime in, since its one large project, let me re-phrase that. While it is multiple applications and two separate solar array projects, it has been presented as one development project to this Board, I would recommend you make one determination of significance for all applications.

11/28/2022

Don Roberts: Do you agree with that Cathy?

Cathy Drobny: Yes, I do.

Mike Ziobrowski: Im fine with that yea, I can just

Anna Rehder: I just want to make sure we have gone over this with the SWPPP, and I want to make sure its two different SWPPPS and that's fine with the Town?

Mike Ziobrowski: It would be for 4 Brookwood Road and then 6

Richard Harris: You have 2 separate SWPPPS for this, correct?

Anna Rehder: Yes.

Richard Harris: Yea you have two separate SWPPPS for this, correct? Yea they were reviewed by the Town engineer but for SEQR purposes the Board, based on the way it was presented, you know you didn't come in with Phase 1, and then come in 5 years later with Phase 2 that nobody knew about, it came in all as one entity for the Board to review, and I think that would be consistent with multi-phase projects or multi part projects from the Town view point. We realize the applicant presented it as two separate projects for a variety of reasons but for purposes of the Town there is one minor subdivision involved, application. Two separate site plan applications, two separate special use permits, so the votes on those applications Id recommend be separate but for purposes of SEQR looked at as aggregate project.

Don Roberts: Right

Mike Ziobrowski: I would like to make a motion on the negative declaration for SEQR

Rich Berkowitz: Ill second

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

Richard Harris: Yea I just wanted to mention to the Board, what I distributed to you earlier was directly from the Town Code, the procedure for special use permits, and you've been through it before, obviously many of you have been on the Board for a number of years, you've been through special use permits before but prior applications certain Board members have asked for this for clarification when determining special use permit. So, I presented that to the Board, and you have that for consideration.

Rich Berkowitz: Rich I just have one question

Richard Harris: Sure

Richard Berkowitz: Should we do the minor subdivision first or should we do the

Mike Ziobrowski: I'd like to make a motion for approval of site plan and special use permit for Bridgewater II, Solar 4 Brookwood Road for the same conditions

Richard Harris: Yea it probably makes the most sense, yea, because that could happen regardless of whether the applicant, we had people in Town, that get subdivisions and didn't follow through with the site plan or the subdivision.

Rich Berkowitz: I make a motion to have a neg dec SEQR on the minor subdivision

Richard Harris: Well, you already did the neg dec for all applications

Rich Berkowitz: Alright so Ill make a motion to approve the minor subdivision

Tom Werner: Ill second it

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

Mike Ziobrowski: Okay Rich Im going to go right into the contingent factors and site plan approvals, special use for all

Richard Harris: Sure

John Higgins: I have a question for the, Don I have a question. At the previous meeting you discussed the possibility of you bringing sheep and I have a couple of goats and believe me they are escape artists

Anna Rehder: Sheep are, we are not proposing sheep on this project, and it has been done on other projects in the UK that Eden has worked on. There are no plans for sheep on this site.

John Higgins: Okay that will be part of the approval that there will be no livestock on the site

Anna Rehder: If you guys would like to make that a condition of approval, I think Eden would be agreeable.

Mike Ziobrowski: To make this to try and simplify this as best I can, im going to go through for the two different sites in such a way that for each approval I'd like to make contingent on the three requirements, a decommissioning bond that is acceptable to the Town, number one, number two, all concerns of the fire dept are addressed and number three, no livestock on the properties,

Don Roberts: Okay they need final sign off by the town engineer please

Mike Ziobrowski: and sign off by the Town engineer

Richard Harris: Yea, I would be comfortable with that just Joel, I know he has a review letter that the applicant will address, but he is not here tonight, so ill state that on the record that I recommend that.

Mike Ziobrowski: So, with that Id like to make a motion for site plan and approval of site plan and special use permit for Bridgewater I, Solar 6 Brookwood Road

Rich Berkowitz: Ill second that.

11/28/2022

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

Mike Ziobrowski: I'd like to make a motion for approval of site plan and special use permit for Bridgewater II Solar, 4 Brookwood Road for the same conditions

Rich Berkowitz: Ill second

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

Mike Ziobrowski: That's it we have SEQR for the full project, we have the minor subdivision, and we have site plan and special use approval for 4 and 6 Brookwood Road.

Bridgewater 1 Solar, 6 Brookwood Rd – Site Plan & Special Use (22.050 & 22.043)

Bridgewater 2 Solar, 4 Brookwood Rd - Site Plan & Special Use (22.051 & 22.042)

Bridgewater 1 Solar & Bridgewater 2 Solar, 4 & 6 Brookwood Rd - Minor Subdivision (22.044)

APPROVED. The Board approved the Site Plans, Special Use Permits and Minor Subdivision applications, with conditions, for the proposed solar farm projects on Brookwood Road.

Don Roberts: Alright, good job

Anna Rehder: Thank you.

Rich Berkowitz: Time frame?

Anna Rehder: I don't know what's your time frame?

Sean Ryan: I don't know, a year and a half?

Rich Berkowitz: That long?

Richard Harris: Before construction? That's what they're asking, before construction.

Sean Ryan: Yea

Richard Harris: You do have levels of State approvals to go through, correct?

Sean Ryan: Yes

Mike Ziobrowski: You're going into winter months, I get it.

Rich Berkowitz: Do they have to come here in one year?

Richard Harris: Yea so site plans are valid under our Town Code for one-year, special use permits don't have an expiration. I can't speak for Board members but in my 10 years here if nothing changes with the

11/28/2022

project, some new information has come to light, or you don't change the project the Board tends to act on those relatively quick.

Anna Rehder: Well, if it has to be extended then we will come back before the Board

Richard Harris: Just so you know, can I just add something, you are required to obtain a soil disturbance permit from the Town its part of your stormwater prevention plan, Notice of Intent with DEC, I think typically we've considered that if you do that within the year you've started the project and it has not triggered the need to come back before the Board, again if your not changing anything its generally the Board acts on those items in one meeting, in the past.

Stephanie Thomlanson: Stephanie Thomlanson, Eden Renewables. What constitutes the start of construction which you answered so we will definitely make sure that we get in and get the permits pulled, a year and a half is possible, and it's a little long I would say within 10 to 12 months we will probably start but can't totally guarantee that?

Don Roberts: After all you went through just play it safe, if you have to come back, come back, without going through the whole

Richard Harris: Yea it's generally because it's generally it's in the past if nothing's changed it's a relatively quick process, it's not like this.

Don Roberts: Okay, good job, good luck.

Anna Rehder: Thank you.

Don Roberts: Unless either John or Eric are with this applicant, I think it's an exercise in futility, but I've got to do it, True Realty LLC. 405 Hudson River Road, Change of Use/Tenant and sign, anyone here?

Richard Harris: Is anyone online for this application? True Realty, no?

Mike Ziobrowski: I would like to make a motion to adjourn the meeting

John Higgins: Ill second it.

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