

Minutes of the May 25, 2022, Meeting of the Town of Stephentown Zoning Board of Appeals

In attendance: Scott Wyner, Chairman; Tom Quimby; Roland Barth; Richard Sime; Craig Crist, Attorney

The Chairman called the meeting to order @ 7:06pm

The fire exists were noted.

Pledge of Allegiance was recited.

At the request of the Chairman the board reviewed the draft minutes of the April 26, 2022 meeting.

Roland Barth made a motion to accept the April 26, 2022 minutes as written:

Tom Quimby seconded the motion to accept minutes as written:

All voted to accept the draft minutes of the April 26, 2022 meeting as the official minutes of that meeting and therefore the motion carried

1. Garcia Application –

Public Hearing

Craig Crist read the Public Hearing Notice

Roland Barth made a motion to open the Garcia public hearing at 7:10 pm, which was seconded by Tom Quimby and all board members voted unanimously in favor and therefore the motion carried to open the Garcia public hearing.

Jack S. – Said he is the nearest neighbor on Black River Road, said that the Garcias have only been here a short time. Owners have put a lot of work into their property. Trusts that the owners will continue to do a good job on the property.

There were no other public comments

Public comment period closed at 7:15pm

Scott – Do we recommend approval without objections?

Craig – read aloud Town Law 267-b, which sets forth the criteria concerning area variance

Roland – Said he was reassured by public comments

Tom – will there be windows on roadside?

Justin – two windows

Quimby made a motion to grant approval for the requested area variance, which motion was seconded by Barth and all board members voted in favor of the motion and it therefore carried and therefore the Garcia application for an area variance was granted.

2. Solar Power Network

Don Adam - is the town ZBA to be lead agency? Crist asked what approvals his client was seeking/needed in total from all permitting entities. Adams said his client is looking for a use variance from ZBA, site plan approval and a special use permit from the Town Planning Board and a SPDES permit from NYS DEC. He also said that the property is in an Agricultural district

Craig Crist – is this within 500 ft of a county road? Craig read all of the GML 239-m criteria and Adams said he did not think any of the criteria applied

Don Adams – reviewed proposed site map, access road needs to be created, there will be some cleanup/grading. He said this will be a 4.5 mega-watt project. Will not be in/on wetlands. A wetland specialist will confirm wetland perimeter.

Tom Quimby– where was the gravel pit?

Don Adams– showed where on his proposed site map

Richard Sime asked about whether an area variance was needed.

Craig Crist – is the client’s intention to retain or sell property

Don – intention is to keep at this point.

Scott Wyner– any additional application materials or information that is being presented?

Craig Crist– Noted that applicant also submitted a SEAF Part I

Roland Barth– how large is the parcel

Don Adams– 7.5 acres

Roland Barth– what is the side yard clearance?

Don Adams– 500 ft. appears to be an old railbed corridor. DEC mapper will be used

Scott Wyner– how close to wetland boundaries? Advised to check the wetlands maps

Richard Sime – is there a current usable road?

Don – there is a current driveway

Craig Crist– next step now that the Applicant asserts that he has submitted all of the materials is for the Board to declare its intent to be lead agency under SEQRA

The motion for the ZBA to seek lead agency status was made by Barth and seconded by Sime and all voted in favor of the motion so that motion carried

Don – when will the next meeting be?

Secretary – June 28, 2022 @ 7pm,. It was then discussed that additional steps will be required and that he board favored the review of the application by an engineer.

3. Oak Stone Holdings

Barth made a motion for the Town of Stephentown ZBA to declare itself as lead agency for the Oak Stone Holdings matter which was seconded by Quimby and all voted in favor so the motion carried.

Craig Crist said the next step would be for the Board to classify the action. He detailed the types of classifications under SEQRA. The Board reviewed the criteria and believed it to be an unlisted action. Barth therefore made a motion to classify the action as an unlisted action which was seconded by Sime and all voted in favor of the motion and it therefore carried.

Craig Crist– next step is for the Board to made an environmental determination. Crist read aloud instructions for determination of significance.

Matt Bond, applicant's engineer asked if there were any questions?

Barth – any changes to previously submitted documentation?

Quimby – have there been attempts to put in various other locations? It is currently a mobile unit? If intention was to seek a site for plant, why talk about building a house? Asking for clarification

Matt Bond – Oak Stone is a development company that purchases vacant properties and develops them

Quimby – Paul, you are president of Oak Stone Holdings?

Applicant Paul – yes, we did a rate of return analysis, and it has a poor rate of return

Quimby– wouldn't you have factored the rate of return before purchase?

Applicant Paul – we are entitled to get a good rate of return on investment

Quimby – does that entitle you to a use variance?

Applicant Paul – yes if that is what it takes to obtain a decent rate of return

Wyner – asked and Applicant reviewed the prior locations that were considered

Crist – did you look into this property for this facility?

Applicant Paul – yes

Barth– you didn't understand the scope of changing the property to use as a residential? Too much money invested vs the rate of return.

Applicant Paul – wanted to put a log cabin/small house/Airbnb – became cost prohibitive

Quimby– there with be no tractor trailers coming in? how many pickups ‘

Applicant – 20 – 25 weekly

Barth– can Cemetery hill road accommodated larger trucks?

Matt Bond – we will improve existing driveway

Sime – how many feet is the driveway from state road

Matt Bond – 30 – 50 ft.

Crist at this point read each one of the criteria from the Part II and III of the SEAF and the Board voted on each section of the SEAF, with the determinations as set forth in the accompanying form which is incorporated herein by reference.

Craig read part 3 of SEAF and instructions

Matt Bond– no significant impact to change in use – fits into the towns comprehensive plan. No significant. Upon motion of Barth, seconded by Sime the Board voted that there was no significant environmental impacts and that a Negative Declaration should be prepared.

Barth then made a motion for public hearing which was seconded by Sime and all voted in favor of that motion and therefore the motion carried that a public hearing is to be set for June 28th @ 7pm

Quimby made a motion to adjourn the meeting which was seconded by Barth and which all voted in favor of the motion and it therefore carried and the meeting was adjourned at 8:52 pm.