

Final Meeting Notes of the September 13, 2022 Town of Stephentown Planning Board

In attendance: Derrick Gardner, Mark Prescott, Robert Lobdell, Zachary Leonard, Craig Crist, attorney-Alternate, Billy Holiday

Meeting called to order at:

Pledge recited

Exits pointed out

### **Oak Stone Holdings**

Matt Bond, Barber Engineering - approximate 4.4-acre parcel, NE intersection of Cemetery Hill Road and route 22. 8K sq ft building with driveway. No public utilities, on site well and septic. Storm water drainage into dry swell. Parcel zoned residential and granted a use variance by the ZBA. Setbacks are 25ft on three sides and 445 ft on front. Well and septic still under review. SEQR was completed. Public Hearing was open for three months.

Derrick Gardner – we are still waiting on attorney

Mark Prescott – approximately 20 trucks per month?

Paul Bullock – approximately 20 pick up trucks per week. No semi-trucks. Driveway is 18ft for emergency access.

Derrick Gardner – has the fire department reviewed the property

Matt Bond – Rik McClave was at one of the public hearings and asked questions.

Craig Crist – read aloud sketch plan regulations. Read actions allowable.

Craig Crist – are there any additional items you would like to see?

Derrick – they went through SEQR?

Craig – information submitted was just for use variance.

Craig – can you walk through the board through each of the maps you have provided?

Matt – Map one shows the site plan, the set backs, plantings, proposed tree line, site zoning statistics.

Map two – Sewage site plan

Mark – how many employees

Paul – 3 - 5 including himself.

Matt – no showers, just a bathroom for employee use

Craig – water is solely for lavatory use, wash hands, toilet flushing.

Matt – system over stated for what the use will be.

Map three – proposed grading and drainage system. Existing and proposed. Pretty significant slope.

Mark Prescott – building will be approximately 30 ft up? How visible will it be from Route 22?

Paul – will probably see only a slight corner or the building

Matt – keeping as much vegetation as possible. Trying to keep the visual impact to neighbors as minimal as possible. A lot of evergreen trees between the property/building and the ridgeline.

Mark Prescott – the process itself? Cutting the process itself is noisy?

Craig – please review the process for the board

Paul – noise is retained within the building. Its essentially a hydraulic press that will break open the convertors.

Matt Bond – there is a vacuum that collects anything that will come out of the convertor. Dust collection system is being used. Very well contained process. Doors will remain closed to keep everything inside

Mark Prescott – trees being planted at the front of the property for additional screening.

Paul Bullock – there is a small grove of trees at the end of the driveway that will flow into the new plantings

Matt Bond – any additional questions

Craig Crist – would the applicant waive the 30-day requirement from receipt of the application?

Matt Bond – is a requirement for a public hearing?

Paul Bullock – the public hearing was open for three months

Mark Prescott – did you have a landscape planning?

Matt Bond – planned on evergreens. There will be seeding and mulch in some areas.

Map 5 – processes shown, permitter protection. Map 6 site plan itself, parking area, stone surfacing.

Mark P – DEC approval status

Matt – will be submitting Swift in the next week or two with details

Craig – read aloud general consideration items

Mark – the fire department was consulted?

Matt – Rik McClave – asked some questions about access and grade.

Rob – site work not building?

Paul – correct

Motion to go into executive session made by Rob Lobdell

Motion seconded by Derrick Gardner.

Motion carried.

Board entered executive session at 7:50pm.

Motion to end executive session made by Derrick

Motion seconded by Zach

Executive session ended at: 7:55pm

Mark – made a motion that plan is limited in scope contingent upon: DEC approval for storm water, Renss County DOH for septic, Fire Department approval for accessibility, and Highway superintendent correct accessibility for driveway access

Zach seconded.

All in Favor

Motion carried.

Milk Run Solar

Derrick – next on agenda is Milk Run Solar

Chris – please update the board/attendees on what has transpired since last meeting. Jenny Lippman from MJ Engineering and Land Surveying, PC in attendance reviewed plan and provided her opinion on project. What are the more pressing items to be completed prior to next meeting.

Rubin – spoke about the letter from MJ Engineering, nothing on the review is not feasible. They are looking for a conditional approval pending completion of the items on the list. Onus is on project to get these items completed. What can we provide to move this along.

Derrick – where do you see things on comments.

Jenny – four outstanding items that need to be addressed. Some can be addressed with conditional approval, however, for SEQR there needs to be a Shippo sign off before a negative declaration can be determined

Rubin – SEQR is a yes or no question and how does the board know this is an issue without phase 1b being completed. Due to SHIPPO needs to sign off before anything else can be done. If SHIPPO doesn't sign off on, project can not proceed. Phase 1b is cost prohibitive if the board doesn't approve with conditions.

Derrick – phase 1 determined that project is within an archeologic area.

Rubin/Hailey – correct due to distance to a body of water. If something is determined to be there the project would be smaller.

Jenn – have issues with a conditional neg dec

Rubin – it's not a conditional neg dec, it's a neg dec.

Chris – reviewed for general public what they mean by a significant or neg dec. Reviewed what SHIPPO means. The area needs to be dug to see if there is anything of historical significance there.

Rubin – whatever SHIPPO tells us to do we have to do or there is no project

Jenn – did not receive all the landscaping information. We have now received the plantings and it looks good. We need just a little bit further information about the plantings.

Hailey – after they know that they have a conditional approval they would come back with the landscape architect to review plantings

Chris – is it typical for some type of bond be in place for the replacement of these plantings if they die. This would be enforceable by the code enforcement office

Derrick – Owen, how would you enforce the replacement?

Chris – so there would be the opportunity to pull the special use permit if the applicant decided not to replace plantings that may die?

Owen – yes

Jenn – recommending a large plant species

Chris – that would be resolved when the landscaping architect

Jenn – storm water plan, will be modified.

Chris – timing on that?

Rubin – they have already started on that. Intent would be turn that around as soon as possible.

Hailey - nothing really changing on the site plan.

Mark – the position of the panels may make erosion worse?

Jenn – the position will be slightly modified to return the water run off to a sheet flow as opposed to a concentrated flow

Public questions asked about public access for fishing, farming, etc.

Jenn – fourth item, fire department access, would want the fire department to sign off on project that there is appropriate access. Does not appear to be adequate access at this point. Letter from the fire department

Rubin – they will adhere to whatever the fire department requires. They prefer 16ft but again will go by whatever the fire department dictates.

Chris – are you reaching out to the local fire officials

Rubin/Hailey – yes, they will reach out.

Chris – the applicant is correct that a lot of these issues are not contingent upon approval but his preference is that the number of items are reduced and an updated review letter provided before the next board meeting the end of the October. But it is up to the board.

Owen – asked Jenn from MJ how she made her calculations.

Jenn – she stated she just used the structure coverage. But she defers to the Code enforcement office.

Hailey – we are now in month 6 of approval process, not willing to wait another full month. Not ideal. Asking for a special meeting in two weeks.

Rubin – there are only a couple of comments that really need action. Would prefer to have a conditional approval and work directly back and forth with MJ Engineering.

Chris – getting a conditional approval won't allow you to build any quicker

Hailey – correct but if they wait another month NYSERTA may be out of funding and then there will be less landscaping that can be done.

Chris – the board options are push off to the next meeting and then SEQR or tonight make SEQR determination. The SEQR determination has a significant portion of the landscaping.

Hailey – the landscaping plan is very expensive

Jenn – it is common practice that we have a final landscaping plan before approval. It is an important part of the board making their decision

Rob – did a rendering of the proposed plantings.

Jenn – nothing specific on the plantings.

Chris – does the board have a consensus on how to proceed

Mark – would like to get the landscaping more defined before moving forward.

Hailey – is there anything else prior to the next meeting?

Jenn – will certainly try to get a response in two weeks from the Fire Department.

Secretary – will check with Town clerk on availability on of town hall or fire hall for September 26<sup>th</sup> for a special hearing.

Derrick – make a motion to have special meeting on September 26 @ 7pm

Mark – seconded motion for special meeting.

All in favor

Motion carried.

Mark – motion to adjourn meeting

Rob – seconded motion to adjourn meeting

Meeting adjourned at 8:56pm

Derrick motion to move Planning board meetings in 2023 to the first Tuesday of the month

Mark P seconded

All in favor

Motion carried.

Motion to accept meeting notes as written made by Zachary Leonard

Second Motion to accept meeting notes as written by Alex Haley

All in Favor

Motion carried.