

**MINUTES OF THE SEPTEMBER 5, 2023 MEETING OF THE TOWN OF STEPHENTOWN PLANNING BOARD**

In attendance: Mark Prescott, Derrick Gardner, Alex Haley, Zachary Leonard, Craig Crist, attorney for the Planning Board, Laurie Gilliland, Planning Board, Secretary

Absent: Robert Lobdell

Meeting called to order at 7:13 pm.

Adopting meeting minutes have been tabled to next meeting.

Zachary Leonard made motion to continue the public hearing on the Solar Power Network application from the August 1, 2023 meeting, Alex seconded the motion, all voted in favor. Motion passed 4 – 0.

Floor therefore opened to public comments on that application. When asked Laurie said that no written comments had been received.

James Cummings advised that this property is nothing but a solid waste dump. Has nothing against renewable energy but has issue with someone who wants to put something on that property. Afraid whatever is buried there will leach into the groundwater again. He detailed he is a longtime resident of the Town of Stephentown and is against the proposed project.

Attorney Crist asked Mr. Ovis if he wanted to address the comments. Mr. Ovis asked if there was anyone else that was going to speak in that Mr. Cummings was the only one in the audience. There was no one.

Zachary Leonard made a motion to close public hearing at 7:28 pm, Haley seconded the motion. All voted in favor. Motion passed 4- 0.

Aaron Orvis – the subject site is an old gravel mine, operator abandoned mine. State took over the property to clean up the mine. State entered an agreement with Synagro to bury paper pulp mulch with soil to create organic matter as part of the reclamation. He said it could have been handled better but this has been studied and the material has now been in the ground for many years and has surely decomposed at this point.

Mark Prescott – there is growth on the site?

Aaron – yes, there is growth on the site.

Craig – you have dug test pits? If yes, what did they show?

Aaron – thin film of sand and top soil. We will drive metal pylons into ground to minimize disturbance of the soil and the arrays will be bolted to the metal pylons. We have responded to questions from MJ Engineering and from Code Enforcement. Have responded to minor edits, including widening road for emergency vehicles. He noted that he had no issues with any of the contents of the September 3, 2023 MJ Engineering letter

Derrick – how far are the pylons being driven?

Aaron – 3 – 4 feet. Decommissioning plan will still need to be agreed upon between the town and the applicant even if this board grants all approvals tonight.

Craig – Asked reviewing engineer Lippman is there anything you want to add about what has been raised, especially about any possible issues as to odor or groundwater contamination.

Jenny – technically speaking all issues have been addressed. Does not disagree with anything that Mr. Ovis has said. They have agreed to access road, decommissioning plan needs to be reviewed by the town, there needs to be photos submitted. 2.5% escalation. Salvage value is not to be included.

Derrick – this is all that will be agreed upon by the town?

Aaron and Jenny – that is correct, it will have to be agreed upon.

Derrick – asked if the 239-m application was filed with the County and returned.

Laurie – correct and the County said that local consideration shall prevail.

Craig – Jenny, do you feel comfortable making a recommendation as to SEQRA?

Jenny – yes, we recommend a negative declaration by this board

Craig at this time read the proposed resolution adopting the negative declaration

Mark Prescott made motion to adopt the resolution declaring a negative declaration, Zachary Leonard seconded, All voted in Favor, Motion carried 4- 0.

Craig – Introduced Resolution Granting Special Use Permit and the Board then reviewed that proposed resolution.

Mark P made motion to waive the entire reading of the Resolution Granting Special Use Permit, Derrick seconded carried 4- 0

Craig – a motion is still needed to adopt the aforementioned resolution.

Derrick to make motion to adopt the Resolution Granting Special Use Permit, Alex seconded, carried to 4 -0

Zach made motion, Mark seconded to waive reading of the Resolution Granting Site Plan Approval which carried 4 – 0

Mark made motion, Alex seconded to adopt the resolution Granting Site Plan Approval, which carried to 4- 0

Craig – next matter is renewal of Misty Valley special use permit. Motion to hold public hearing at next meeting on October 3 by Zach seconded by Alex.

Motion to adjourn at 7:50 made by Derrick and seconded by Alex