

TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENNELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

MEMORANDUM

EAST GREENBUSH PLANNING BOARD MEETING MINUTES MAY 8, 2024

Members:

Matt Mastin, Chairman
Chris Horne
John Conway
Robert Jucha
Mike Tierney

Also Present:

Dan Rodriguez, Co-Director of Planning & Zoning
Joseph Slater, Planning Board Attorney
Alison Lovely, Secretary
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Kurt Bergmann & Ralph Viola were absent.

PUBLIC HEARINGS:

7:00 PM MILLER ROAD SOLAR- 405 MILLER ROAD -SPECIAL USE PERMIT/LOT LINE ADJ.

Chairman Mastin read the legal notice.

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to the Town's Solar Energy Local Law No.1 of 2017, Local Law No. 3 of 2017 & Local Law No. 3 of 2022, on an application for a Special Use Permit for the property located at 405 Miller Road, East Greenbush, NY, Tax Map# 167.-4-36, which is Zoned R-OS. The applicant proposes the installation of a large-scale solar energy system on approximately 59.25 +/- acres. The review of the proposed work requires a Special Use Permit per The Town's Solar Energy Local Law No. 1 of 2017 Local Law No. 3 of 2017 & Local Law No. 3 of 2022. Said Public Hearing will be held on Wednesday, May 8, 2024 at 7:00 PM at the East Greenbush Town Hall at 225 Columbia Turnpike, East Greenbush, NY, in the Community Room. At the above time and place, all interested parties will be given an opportunity to be heard. By order of the Planning Board Matt Mastin, Chairman

Pedro Rodriguez was present from Seaboard Solar and Steve Wilson was present from Bohler Engineering. Everything farmland will remain farmland. The project site is 1,100' from the closest public road and 659' from the nearest resident. The closest visible point is from the East Greenbush Town Park. Steve Wilson showed a photo simulation from different points regarding visibility. stated that they're just dealing with storm water issues with Stantec. The key issue is the trail in the Town Park closest to the rear of the solar field. They are only putting up one new utility pole and are connecting to an existing pole across the street; everything else will be underground. They plan on using red cedar and balsam fir for planting but are waiting for the CAC comments.

Chairman Mastin asked if it was always the intent to purchase the land and does it have direct road frontage. Pedro Rodriguez stated it has always been the intent to purchase the property and yes it has direct road frontage.

•Chris Horne asked about the community benefits and asked if anyone could sign up & asked how many people can sign up. Pedro Rodriguez stated that yes anyone can and a couple hundred houses.

- Bob Jucha stated about 200 customers. Pedro Rodriguez stated that is correct.
- Bob Jucha stated then the only benefit is the 200 customers, how does this benefit the Town. Chairman Mastin asked if they will end up paying a higher tax rate. Yes.
- Mike Tierney stated that they mentioned a couple of hundred homes, what is the balance between commercial & residential. 20% threshold for commercial. Chairman Mastin asked if there was anything else.
- Mike Tierney asked the applicant to point out the property they own.
- John Conway asked how large the parcel is and what was being preserved. Pedro Rodriguez stated that the total is 198 acres and 150 is being preserved. Joe Slater asked if the 150 acres includes the undisturbed farm land. Pedro Rodriguez stated that is correct.
- Mike Tierney asked what the terrain is of the land they're preserving. Some is wooded and some is slopes.
- Mike Tierney asked if it would be posted. Steve Wilson stated that there will be a fence around the solar array.
- Bob Jucha asked how it will be maintained. Pedro Rodriguez stated that a maintenance company will be hired & will have to continue through the life of the project.
- Bob Jucha asked how long the grass be in order for it to be mowed. Pedro Rodriguez stated that the mix they use is designed not to grow too high. Steve Wilson stated that there would be regular mowing & the road would have to be plowed for access all the time. Chairman Mastin asked if there were any other questions from the Board.
- Bob Jucha asked if there will be cables underground. There is one pole, and the rest is underground.
- Mike Tierney asked if they poured the underground duct banks into concrete. Pedro Rodriguez stated it's the conduit that's buried.
- Bob Jucha asked if they intend to register with UDig NY. Pedro Rodriguez stated that they will. Chairman Mastin asked if there was anyone in the public that wished to speak.
- Mark Goldman from 451 Miller Road stated that he's the closest to the project. He stated his lot has a lot of trees and a creek and the property the applicant owns is on the other side of the tree line. He is in favor of the project. He thinks we need more forms of renewable resources. If this project was rejected, then he feels someone would build a development.
- Barrett LaGrave from 469 Miller Road asked how long construction would be and what the plan is for the end of life. Steve Wilson stated that construction is approximately 6-8 months and as part of the application there is a decommissioning plan which states all the equipment would be removed and the land would be put back as it was. The Town requires that money be put in escrow with inflation.
- Dave Terpening asked if solar is mandated by NYS. Joe Slater stated that it's up to each individual municipality.
- Dave Terpening asked what the applicant will get for the project. Chairman Mastin stated that there are no incentives from the Town.
- Dave Terpening asked what the lifespan is, what major repairs will be needed. Steve Wilson stated that the system is designed for a 25 year or more life span and repairs would be done routinely as needed.
- Dave Terpening asked what the residents of the Town will receive as benefits.
- Dave Terpening stated wouldn't a development be a better use.
- Dave Terpening stated it's very unclear on how many owners there are.
- Dave Terpening stated that a lot of municipalities are fighting these in agricultural areas.
- Dave Terpening stated that there are 2 large parcels nearby and they could apply more panels there. Chairman Mastin asked if there was anyone else in the public that wanted to speak. There was none. Chairman Mastin asked if the Board had any other questions. Joe Slater asked the applicant to point out on the site plan where the access road is. Pedro Rodriguez pointed out that area on the site plan.

Chairman Mastin asked if they were cutting trees and selling to create the new road. Pedro Rodriguez stated that is the only part of their clearing. Steve Wilson stated that there would be a SWPPP for each project.

- An individual asked if there were any variances being asked for. Joe Slater stated that the project is allowed in the R-OS zone and requires a special use permit as well as approval for a major site plan. The applicant needs to follow the requirements of the solar law as well as the special use permit.
 - John Conway asked if the special use permit goes with the project and not the land. Joe Slater stated that is correct, once the project expires then the special use permit expires as well.
- Chairman Mastin asked three times if anyone was present to speak in favor of or opposition to the project.
- Dave Terpening stated that he's against the Special Use Permit.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby closes the public hearing.

Seconded by John Conway & roll called as follows:

M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-ABSENT; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.

MOTION CARRIED BY A 5-0 VOTE

7:00 PM MILLER ROAD SOLAR WEST- 405 MILLER ROAD -SPECIAL USE PERMIT/LOT LINE ADJ.

Chairman Mastin read the legal notice.

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to the Town's Solar Energy Local Law No. 1 of 2017, Local Law No. 3 of 2017 & Local Law No. 3 of 2022, on an application for a Special Use Permit for the property located at 405 Miller Road, East Greenbush, NY, Tax Map # 167.-4-37, which is Zoned R-OS. The applicant proposes the installation of a large-scale solar energy system on approximately 59.25 +/- acres. The review of the proposed work requires a Special Use Permit per The Town's Solar Energy Local Law No. 1 of 2017, Local Law No. 3 of 2017 & Local Law No. 3 of 2022. Said Public Hearing will be held on Wednesday, May 8, 2024 at 7:00 PM at the East Greenbush Town Hall at 225 Columbia Turnpike, East Greenbush, NY, in the Community Room. At the above time and place, all interested parties will be given an opportunity to be heard. By order of the Planning Board Matt Mastin, Chairman

Chairman Mastin stated that this is the same project so no one needs to present again. Chairman Mastin asked the Board if anyone had any questions.

- Bob Jucha asked the size of the trees being planted. Steve Wilson stated in the 6'-8' range, 2"-3" caliper.
- Mike Tierney stated that he's new to the Board and asked why there are two parcels. Bennett Ramsey stated that they need to keep it under 5 megawatts.

Chairman Mastin asked if anyone in the public had any comment.

- Dave Terpening stated that his comments are the same for this project as they were for the last project.

Chairman Mastin asked three times if anyone was present to speak in favor of or opposition to the project.

- A person in the public from 451 Miller Road spoke in favor.
- Dave Terpening stated that he's in opposition.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby closes the public hearing.

Seconded by Chris Horne & roll called as follows:

**M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-ABSENT; C. Horne-YES; J. Conway-YES;
R. Jucha-YES; M. Tierney-YES.**

MOTION CARRIED BY A 5-0 VOTE

OLD BUSINESS:

NONE

NEW BUSINESS:

KIRSCH-8 PARK AVENUE-LOT LINE ADJUSTMENT (24-11)

The Kirsch's stated that one lot line is moving all the way up to Mountain View Avenue to leave it green, he doesn't want to build anything.

•Bob Jucha asked about the neighbor's fence since it looks like it will be on their property and asked if they were going to do an easement. The Kirch's said not at this time. Chairman Mastin stated that he's not worried about the fence.

•John Conway asked if that was vacant piece of property on Park Avenue next to their house as well. The Kirsch's stated that it belongs to their other neighbor. Chairman Mastin stated he thinks the house is just cut off on the survey map.

Chairman Mastin asked if there was anything else. There were no further questions.

MOTION: A motion was made by Chairman Mastin as follows:

The Town of East Greenbush Planning Board hereby:

- 1. Classifies the action as a lot line adjustment under the Town's Land Subdivision Regulations, Article IV, Section 2.**

Seconded by Bob Jucha & roll called as follows:

**M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-ABSENT; C. Horne-YES; J. Conway-YES;
R. Jucha-YES; M. Tierney-YES.**

MOTION CARRIED BY A 5-0- VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby:**

- 1. Classifies this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) "granting of individual setback and lot line variances and adjustments";**

Seconded by Bob Jucha & roll called as follows:

**M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-ABSENT; C. Horne-YES; J. Conway-YES;
R. Jucha-YES; M. Tierney-YES.**

MOTION CARRIED BY A 5-0- VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby:**

2. **Accepts the sketch plat and grants final approval of the proposed Lot Line Adjustment prepared by Capital District Land Surveying dated April 3, 2024, subject to the following:**
 - **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and**
 - **All remaining fees are paid to the Town.**

Seconded by Bob Jucha & roll called as follows:

M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-ABSENT; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.

MOTION CARRIED BY A 5-0- VOTE

BERNER/WINN-270 MORNER ROAD-LOT LINE ADJUSTMENT (24-14)

Fred Metzger was present and represented the applicants. Fred Metzger stated that 270 Morner Road was an old farmhouse, a portion of that property is in North Greenbush. There were lots subdivided and developed on the opposite side of the road. Later on, Mr. Winn purchased what is known as lot #2 and Mr. Berger purchased lot #1 and just recently Mr. Berner purchased the remaining lands which fell into the Town of East Greenbush and in doing so the remaining piece was landlocked. So, the applicants are just swapping 1.53 acres.

- Chris Horne stated that's creating an additional parcel in East Greenbush. Fred Metzger stated that it's a tax map parcel but it will be combined with another parcel so it will just all be on one deed.
- Bob Jucha stated so basically, they're just swapping land. Fred Metzger stated that is correct.
- John Conway asked for clarification of what the applicants are doing. Fred Metzger explained it to Mr. Conway.

Chairman Mastin asked if there were any further questions from the Board. There were none. Fred Metzger stated that he submitted a letter from North Greenbush.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby:**

1. **Classifies the action as a lot line adjustment under the Town's Land Subdivision Regulations, Article IV, Section 2.**

Seconded by John Conway & roll called as follows:

M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-ABSENT; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.

MOTION CARRIED BY A 5-0- VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby:**

1. **Classifies this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) "granting of individual setback and lot line variances and adjustments";**

Seconded by Chris Horne & roll called as follows:

M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-ABSENT; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.

MOTION CARRIED BY A 5-0- VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby:**

- 3. Accepts the sketch plat and grants final approval of the proposed Lot Line Adjustment prepared by Frederick J. Metzger Land Surveyor, P.C. dated April 16, 2024, subject to the following:**
 - **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and**
 - **All remaining fees are paid to the Town.**

Seconded by Mike Tierney & roll called as follows:

M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-ABSENT; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.

MOTION CARRIED BY A 5-0- VOTE

NEW ZBA REPORTS:

NONE

NEW ZBA REFERRALS:

ZBA Appeal #2024-04-Schechter-20 Tanners Lane-2 Area Variances for shed- Assigned to John Conway
ZBA Appeal #2024-04-Grignon-9 Boncroft Drive-Area Variance for shed-Assigned to Mike Tierney

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the April 24, 2024 meeting minutes. Seconded by Mike Tierney
Motion carried by a 5-0 vote.

Dan Rodriguez stated that Josh Giller has officially moved to Indiana and is working remotely. Chairman Mastin stated that Dan Rodriguez is being appointed Stormwater Management Officer.

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin.
Seconded by Bob Jucha. Motion carried by a 5-0 vote.

Respectfully Submitted

Alison Lovely, Planning Secretary