

“Minutes are not official until approved by their respective board.”

## **TOWN OF FALLSBURG PLANNING BOARD MEETING**

**July 13th, 2023**

In attendance: Arthur Rosenshein, Chairman, Michael Kirtack, Paul Lucyk, Gary Tavormina, Cody Vegliante Planning Board Members, Jennifer Edwards, Code Enforcement, Helen Budrock, Town Planners, Dylan Harris, Town Attorney, Hayden Carnell, Keystone

- Arthur Rosenshein called the meeting to order at 7PM.
- April and May minutes approved
- Arthur Rosenshein: First thing I have to do is remind people please be aware that while the town of Fallsburg Planning Board will continue to review all applications on the merits based on the town of Fallsburg, zoning code, and other applicable laws and regulations. Planning Board approval does not guarantee issuance of a water or sewer permit by the Department of Public Works. Just because we passed it doesn't mean they can build. There's been some questions about Zoom. Our meetings are on Zoom, but it is an optional thing that we're doing. There may come a time when we can't do it, or there'll be an evening when we can't get the equipment working. It is just part of a sort of consideration for the public, but it is not mandatory, just so people know.

### PUBLIC HEARING:

#### 1. 5629 State Route 42 LLC – SBL 39.-1-34.6

- Joel Kohn represented.
- Joel Kohn: This is a 6.9 acre property on Route 42. It is in the B zoning district. The applicant is proposing an office building that is 600 plus square feet and 2 stories. They're long term plan is to demolish the building in the back and come back with a separate application at some point for a bigger commercial property.

- There is an existing entrance on Route 42. Some spaces will be added.
- Arthur Rosenshein: Thoughts? Comments? So we're gonna try something new. What's gonna happen is we're gonna close the verbal or audio for the public hearing, but we're gonna leave open the public hearing for written comments until the point comes when ready for approval.
  - So if a project is being introduced tonight, then we have several meetings about it, you can continue to make comments in writing, there'll be part of the record, and I believe we'll be doing that from now on. So I'm only closing the verbal part of the public hearing, not the written part. Thank you.

## 2. ROSEMOND SOLAR, LLC – SBL: 30.-1-9.4

- Paul Gargiliano represented.
- Paul Garigliano: Rosemont Solar is an existing solar project located on Rosemont Road. The original project was approved by the Planning Board April 13th, 2017, at a time when the project company was owned by Cypress Creek Solar. The project company was thereafter purchased by Delaware River Solar and the Planning Board unanimously adopted a resolution re-approving the project in October of 2019. The project was constructed in 2020 and the timeframe between 2017 and 2020 included three generations of additional upgrades to solar panels. So they were able to achieve the originally approved amount of generation for the project using only a part of the site. NYSEG has upgraded the circuit that runs down Solar Road because there's been a lot of development there. So now there is additional room to put more locally generated electricity into that circuit. And within the fence where this project was originally built, and in the same area where the stormwater pollution prevention plan remains open with the DEC, the proposal is to add another 834 kilowatts of a DC of generations. And to avoid a new interconnection with NYSEG to install battery storage on the site.
- Zoom meeting loses connection

## 3. AERO-STAR PETROLEUM, Inc – SBL:21-1-22.2

- Glenn Smith represented
- Glenn Smith: You point out there is a drive-through driveway around the back of the building for a service window. I know he is trying to get Dunkin Donuts involved in there. Take that into the building. So basically cars would drive around the back to a watering station behind the building and then go through a service window on the side here, then exit 42 or 52. One thing that came up during the planning, a town sewer line kind of cuts through the property now. So we have to locate a blue

sectional line, the manhole runs behind the building and vacuum line and then crosses Route 42. I point out the Planning Board last month, right now, a paved sidewalk that kind of pulls the sidewalk to nowhere where it ends right here along 52. The result of the sidewalk in Woodburne, that the crosswalk on 42 here to this island, which kind of stops there.

- So I'm showing you that sidewalk extended down to tie it kind of tie together at that point. One problem at the last meeting, the 239 review of the county and 239 we get the DOT comments, which I like to see because you have the highway, but apparently there was a glitch between the town and the county. We never got 239 done. I am trying to find out. I have no DOT comments unfortunately.
- Arthur Rosenshein: They were the interesting one.
- Glenn Smith: That's why I want to see DOT. I would have been able to respond. And that's essentially it.
- Mary Adam: So I don't know if everyone has been to where this is, but right now it is peak time. Right now the traffic is extraordinary. And I'm a New York City person. It's really bad. And when you come out now, if you were to go into the gas station and come out on I've almost had an accident twice. You cannot take a left turn. It is impossible 'cause it goes on and on, so you can't take a left turn. So then the only way to do it's take a right turn, go through the light, go into that other gas station, turn around and come out that way. But then there's so much traffic this way. You can't take a left turn there. It is impossible. So I would recommend a road. I mean a real road. If you're gonna come down 52 and take a right on 42 or go into that gas station, you have to have a real road like to go in there. Something that really handles traffic. Because right now it's just this little turn in.
- Bucky Louckes: The whole thing is wide open right now. Right now they're putting things in there.
- Mary Adams: I don't know what it would take to split up the traffic that's going the light.
- Bucky Louckes: You can't split it because it is a state highway, there's nothing.
- Glenn Smith: Well, there is this little section here coming down 52 that you can turn down into the gas station. That's what that is there for.
- Mary Adams: Right. But come out of the gas station gonna come out on 52. There is no way to take
- Glenn Smith: That comment came up at the Zoning Board public hearing also. And that's one reason I'm looking for DOT comments.
- Mary Adams: So what about that Dunkin Donuts thing? If they can actually run a road there. If people are gonna come in to get gas and go to the store, then they should just come in that way and not have an exit going out on 22. Thank you.

- Arthur Rosenshein: Thank you. You sir. Your name please.
- Iman Medina: I live by 700 square footage up the road next to the insurance company. It's horrible. I cannot get up to my house now in the peak sign of the summer, I cannot get out and I cannot really go into my house. My parents have a pizza place over in the town. I'm going that way. It's hard to make a left. I have to go the way out. There's a little loop on Liberty Road and I have to come back over there because I have two entrances to my house. Mr. Bucky, he knows my house. There is a lot of traffic. My point is in the store they do a great job when you come in from Liberty to Ellenville and you want come this way. I don't know if there is space to be one line in the side and make the right side too, because if you are staying in the same road by the line, they either block in a little loose right there or this one is black. I cannot get out that way from my house or either coming this way. It is hard to come this way because they are blocking the entrances.
- Bucky Louckes: That business is not blocking your driveway.
- Iman Medina: No
- Irv Newmark: He's waiting for the comments from the state. Once he gets the comments, see what the state has to say about it, the town could ask the state to do an analysis of that intersection and maybe put a different writer to take out that pointy thing. But that could be done.
- Iman Medina: Yeah but I was at the last meeting, two months ago and I never heard nothing
- Discussion
- Arthur Rosenshein: Until we hear from them it is limited to what we can do. We're waiting for their advice
- Iman Medina: And I mean my next point I know it is commercial and everything like that, but it's too narrow to make like from 50% of project. I think it's okay, but if one improvement, they trying to improve 300% but they don't just from pump like eight pumps, not like 12 or something. Like that's too much.
- Discussion
- Arthur Rosenshein: Let's not, let's not get a dialogue going
- Iman Medina: So we don't want Dunkin Donuts in there. I want the shopping and I cannot really pump gas by myself. People park all over the place. It will be horrible.
- Arthur Rosenshein: Okay we will close the oral part and leave the written open.

#### 4. NEWBURG EGG WAREHOUSE – SBL: 63-1-8

- Joel Kohn and George represented.

- Joel Kohn: This is a warehouse project for a 58.25 acre parcel. It's in the industrial only district, which allows such use. There are two proposed warehouse buildings. One is 137,000 square feet. The other square is 110,000 square feet. They'll have 25 trailer parking and 45 places for pass. There will be one access off LaBaugh Road and the other access from Old LaBaugh Road. And we also switched on the first plan.
- Zoom meeting lost connection.
- Audience: How much more do you think you're gonna be using?
- Joel Kohn: It's gonna be very minimal.
- Audience: Basically bathrooms?
- Joel Kohn: They are proposing 5 employees at the max. There is another building that we are not sure about yet. It will be minimal. Just bathrooms and sinks. Storage.
- Audience: So I am assuming with dry storage, you're not gonna have refrigerator trucks?
- Joel Kohn: That is correct.
- Valerie Dymond: What about the traffic? I live right across the street. What is the traffic look like?
- Joel Kohn: So like I said, this is supporting an existing operation. This is gonna be a maximum of five trips or six trips per hour and peak hours. And the general warehouse would be a maximum of 18 vehicles per hour morning, or 20 in the afternoon. Peak.
- Valerie Dymond: Still a lot of traffic. I mean, we have a lot of traffic.
- Joel Kohn: I understand that we do have traffic. We will provide a letter to the board you know, stating all the facts and all the projected traffic.
- Valerie Dymond: Yeah. Plus my big thing is my quality of life. You're taking over the whole right opposite my house. I'm worried about the water, as he said. I'm worried about what's gonna sink into the ground
- Arthur Rosenshein: If I may, where exactly is her home?
- Valerie Dymond: I'm six two. So it's right over here. Right across town. Yeah. I'm not right across, I'm the house over to the right of it. I also own the property to the right.
- Discussion
- George: The intended use here is we've actually put in a session for the traffic. It's three to five trips per week. It's really meant to be dry storage for the existing facility. So it's three to five employees, not even there all the time. It's only there when they're unloading tractor trailer and deliveries are tractor trailer 1 or 2 times a week. It is really get it in there. Store it and pack it inside. It's not meant to be like a distribution act.

- Helen Budrock: it's zoned for that use, just so you know.
- Valerie Dymond: I understand that. But it hasn't been used that way for probably over 50 years. So we bought that property and my parents bought the house that I'm living in and I bought the property next to it because somebody actually wanted to do anything there. We got it locked. It just doesn't seem right. 50 years, this property's only residential and now you wanna put two, not small warehouses, but pretty significant warehouses.
- Joel Kohn: I understand where you're coming from. I mean this is the zoned industry, then on the other side of the road.
- Valerie Dymond: Traffic. My water. What could possibly slip into our water table.
- Joel Kohn: It shouldn't be anything.
- Valerie Dymond: It shouldn't be anything but how now you're saying once or twice a week
- Joel Kohn: There is a storm water management plan which will be prepared to address any surface run. So that will be treated. The quantity that will be addressed.
- Valerie Dymond: And you said how many truck bays are gonna be in there?
- Joel Kohn: 25.
- Valerie Dymond: 25 truck bays. We're gonna have a bunch of trucks going in and outta that, in and outta that facility there. There's traffic noise, there's pollution there.
- Joel Kohn: I mean, as you said, it won't be allowed traffic.
- Valerie Dymond: So why did you need 25 bays?
- Mollie Messenger: The board will hear your considerations and then they take all of that as part of conditions of the approval. Just different things that hear and then they can make conditions on. I appreciate it. Thank you.
- Discussion.
- Michael Kirtack: 2 different businesses.
- Audience: There has to be that big or something like that. Because sometimes when they said they only three trucks in the day
- Discussion.
- Audience: Maybe a hundred trucks
- George: This facility, you have a track record and it's not, you know, we have a very good understanding of the idea of making this larger capacity. So, you know, it's not that
- Mrs. Katz: I would like to know what is planned for the buffer? How many trees are gonna be protecting this lady's property from looking at the new buildings
- Joel Kohn: So it shows a 75 foot buffer between the road.
- Mrs. Katz: What kind of trees?

- Joel Kohn: We didn't develop a landscape plan yet, but we'll develop a plan
- Robert Kaplan: I live across the street. I request that on the buffers all around that there be some kind of vegetation. The other comment has been traffic comments that the public may or may not know or the board may know. (inaudible) is currently renting one of the buildings on the other side of my house, which used to be my old farm. So the tractor trail is going to Newburgh Eggs right now. This will be replaced in one of the buildings that they're currently renting.
- Joel Kohn: Correct.
- Arthur Rosenshein: And what's the traffic?
- Robert Kaplan: Certainly less than when I was in the military. They had less trucks moving in when I had bought it.
- Arthur Rosenshein: Okay. Anybody else have a comment?
- Mary Adams: I'm just wondering. Yes, the buffer. And can you leave the trees that are already there?
- Joel Kohn: We will leave as many trees as possible.
- Arthur Rosenshein: Anybody on Zoom? We are closing the oral part of the presentation. We will keep it open in writing. Public hearing is closed.

OLD BUSINESS:

1. CHESED SHEL EMES CEMETERY – SBL: 42-1-22.2 – Requests a 6 month extension for a previously approved site plan. (a master plan for a cul-de-sac access drive into the central portion of the cemetery along with access walkways and paths throughout the existing cemetery) Zone: REC. Acres: 19.19. Location: 113 Old Turnpike Rd., Woodridge. Cross Roads: Bernsley Rd

- Joel Kohn represented.
- Joel Kohn: We are asking for a 6 month extension. Hopefully the approval will



satisfy all the outstanding items of that approval. So a six extension.

- Arthur Rosenshein: Okay. By any definition, no matter how you read the law, you're stretching in this. Okay, so we're looking for a motion for anybody?
- Irv Newmark: Yeah. I live over that way. Everything's fine there except when they have some bigger grade, if they park the truck on the road. So I'd like to see you finish the project so the truck can drive it in. Unload the back. I'd like to see that.
- Arthur Rosenshein: Motion for final 6 month extension.
  - MOTION:
  - Bucky Louckes motions for approval. Michael Kirtack seconds. All in favor.

2. ZIMMERMAN ESTATES – SBL: 17-1-14.1/14.2/14.3 – Continued review conceptual review consisting of site plan and special permit to develop the property with a 53 unit townhouse project. Zone: HR/R. Acres: 13.64. Location: Zimmerman Rd. & SR 52, Loch Sheldrake. Cross Roads: SR 52.

- Glenn Smith represented.
- Glenn Smith: This is Route 52 and Zimmerman Road. It's a 15 acre parcel and it is proposed for 52 units plus a caretaker house. So 53 units total. At the last meeting, we were here with the board to take no action because we're in the middle of the 30 day comment period for the conditional negative dec, which is published in the state Environmental Notice that 30 day period expired on June 30th. And there are no comments from anybody about negative dec. We had that permit application with the DEC for the two stream crossings on the property, and they been satisfied with everything except they wanted the conditional neg dec process to be (inaudible). DEC left me information and no comments. So she's processing the fee permit for the 2 culvert crossing that are on the property. On this plane, you may notice all the units were 24 feet wide there. Four end units may or may not be expanded to 36 feet wide, which I show on the little circle. I'm not sure if they're gonna be done or not. But there is room for it, we still have separations for the buildings, just a little living area within units. That's why that's shown like that. When Helen did a draft resolution that we looked at, that's fine. We got the comments today from Keystone on all our plans, which are mostly technical stuff will take of them.
- Helen Budrock: So we went through the draft resolution at the last meeting while we were waiting for the 30 day time period to expire. So I'll just reiterate some of the site specific conditions. Before I do that the first standard condition, which applies to all approval resolutions is adherence to any and all changes requested by Planning Board members, town staff, the Planning Board, attorney, town engineer, town planner, et cetera. So, we know Arthur was concerned 'cause we did get a detailed memo from Keystone, kind of at the last minute at the end of



the workday. And just wanna make sure that the Planning Board is comfortable, that they're of a technical nature and that first condition about them, you know, responding to the comments is sufficient or did you have any questions on any of that?

- Arthur Rosenshein: I spoke to Ken. Okay. After, after I heard. Kind of threw me because it came in four o'clock in the afternoon before our meeting. And it's three pages of technical ease. There should be no problem. And is there anything in here?
- Glenn Smith: No.
- Arthur Rosenshein: I spoke to Ken and I asked him whether he felt that this could be handled by conditional approval with one of the conditions being this being taken care of before chairman's signature. He seemed in favor. He says there was nothing here that was a stopper. We should keep going ahead. Don't worry about it.
- Helen Budrock: Okay, good. Just wanted to make sure we had that covered. So I'm gonna move on to the site specific conditions of the conditions that are specific to this particular project and location. Just to remind the board that the first site specific condition is town board approval of the water district extension and abandonment of any existing wells on the property in accordance with DOH regulations. Number two is that the existing driveway with access to New York access to Route 52 shall be maintained as a gated emergency access only. And no site disturbance for construction will take place in the right of way until a work permit is issued by the DOT.
- Mollie Messenger: Side note. With the 36 wide Glen, did you have a bedroom count that you were working with? Because I know that we did capacity calculations and all kinds of different things. Does that affect the bedrooms at all, or
- Glenn Smith: On the title page I revised to show 53 units and four or five bedroom total number bedrooms on a title page. We're not increasing it for this wide.
- Mollie Messenger: Okay. Regardless of the six bedrooms and whatever
- Eli Brezel: It's all the same. Even the account on plan over estimated, because most people think four bedrooms only.
- Discussion
- Paul Lucyk: I have a couple questions about engineering. I don't know what the engineer okayed or gave his blessing. But number one is this private water where it comes into a pit and, well, I guess what I'm trying to say is what is the fire flow at the hydrants for the spacing? Because I see there they're only 25 feet apart, plus it's four. So number one, what is the fire flow? What is the proper

spacing for the water we have, you know, and that's a question I have. The deal is, are there hydrants throughout the project?

- Hayden Carnell: Well Glen can discuss, but it's 25 feet
- Glenn Smith: The buildings are shown 25 feet based upon the fire flow. We have to justify the fire flow.
- Hayden Carnell: Yes, there was a hydrant test out on 52, I believe.
- Paul Lucyk: Is there private hydrants on the, does the development has private hydrants?
- Hayden Carnell: Yes.
- Paul Lucyk: Okay. So what's the deal?
- Hayden Carnell: They're different color
- Paul Lucyk: Is it all eight inch lines?
- Glenn Smith: All eight.
- Paul Lucyk: So what you're pushing it through a eight inch meter or a 12 inch meter?
- Hayden Carnell: Six.
- Paul Lucyk: So you have the volume there.
- Glenn Smith: There's a meter pit, Fallsburg basically has a standard meter pit. It's in every project. Usually there's a separate meter for the fire and the potable water. But it has to meet the town's meter pit ranks and the detail is on plants.
- Hayden Carnell: So the town gives the applicant our standard meter pit detail to you. So we have the same meters. The town provides the meters and the development hydrants are private, but they're metered, so they're marked yellow to know. If there was a fire, they drew off, maybe the fire wasn't in your development so the town might have to credit your meter or something. I don't know if they used your hydrants
- Discussion
- Eli Brezel: There are 2 different meters. There are 2 lines coming. There is a smaller meter and a larger meter.
- Paul Lucyk: So we've got two separate lines for water. So the eight inch line that's taking the water, eight inch line that's feeding the water, is feeding the hydrogen. And also the water is coming in from a separate
- Glenn Smith: The water is coming off the town main. If it comes in one line meter splits, meter sort of meters it, you can't get really good accurate meters If you're using a fire meter, because the meter is going maybe two gallons a minute. All the hydrants and and all the houses are off that 8 inch line.
- Paul Lucyk: So you have enough fire flow, that's all. And we'll have the blessing of the town engineer that everything is up and up.
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- Hayden Carnell: That is the three page detail review on that was provided, and that's not necessarily provided for Planning Board, but when they get conditional approvals, I mean, it's nitpicking even just a quarter of a percent on sewer lines and topos and, and elevations of building foundations. And that's the detailed review that they've got.
- Paul Lucyk: So we'll have a blessing from the engineer that everything
- Hayden Carnell: Just like every other project.
- Paul Lucyk: The only thing that I was trying to say, if you don't have the fire flows, you might have to increase the distance between the buildings. If they're only 25 feet
- Discussion:
- Glenn Smith: We have 31 for separation. But I'll provide those. Keystone has to review them. Discussion
- Bucky Louckes: Start thinking about the water we do have for fire fighting
- Hayden Carnell: Well, that's the note that Arthur is reading before the meeting, you're not guaranteeing there's water for the project at this point.
- Gary Tavormina: I have one question. Every resident is gonna have his own meter correct.
- Glenn Smith: Yes
- Gary Tavrmina: Thank you.
- Eli Brezel: Actually, before you get C of O today, the water department makes a visit in every single unit. We'll expect that the water meters installed and it's correct.
- Gary Tavormina: The reason I asked it was the town over many years has lost revenue because they were taking it off of the the master meter and not the individual home. I, as an individual homeowner in the district, have to pay quarterly. They were not paying quarterly. Okay.
- Arthur Rosenshein: And now they are
- Hayden Carnell: It's also used to determine if there's a leak in their system between the master meter.
- Gary Tavormina: And I understand that, what I'm getting at is that we were losing \$250,000 a year of revenue because not every one of those residents had a meter. They didn't have to pay quarterly like I did
- Mollie Messenger: Gary, the law was changed a couple of years ago. So now, even though they have a master meter in some of those developments, now they pay per dwelling unit regardless if they have a master meter or individual unit. So that problem's been resolved at this point. Gary Tavormina: So the town gets its revenue that it's supposed to?
- Mollie Messenger: Correct

- Helen Budrock: So the third condition is the applicant's gonna provide a dedicated easement along 52 and Zimmerman Road to accommodate the construction of future sidewalks when they're determined by the town and DOT be necessary. Fourth condition is no less than 143 parking spaces shall be provided in accordance with the parking waiver that was issued by the Planning Board for this particular project. No site disturbance or construction shall take place until a SPDES permit for storm water is issued by the DPC. No stream disturbance until the stream crossing permit is issued by the DPC. And finally, the exterior design and appearance of the buildings shall be consistent with the photographs provided of the Chestnut Court townhouse development, which is right down the road on Laurel Avenue. And the elevations prepared by Hartman Design and approved by the town's architectural consultant. So any variations from that design may require additional approvals. And that's pretty much all I have
- Arthur Rosenshein: There is the most conditional approval we'll have ever seen.
- Hayden Carnell: There is one comment that Keystone had. There's a utility easement that goes to the site and there's a couple crossings and there's a portion of pavement from parking area and the road. So if there was ever to be a leak or an issue with the townline and they had to go fix it and excavate their parking lot that the town shouldn't have to pay to put new pavement in so that they should be responsible
- Arthur Rosenshein: Do we put that on the site plan or how would we make that
- Hayden Carnell: However, there's a right of way through the parcel
- Discussion.
- Mollie Messenger: Helen can you add that as a comment in the resolution?
- Hayden Carnell: Just part of it, to make sure the town doesn't have to pay for blacktop or something. Since it's an existing easement
- Arthur Rosenshein: Basically the town will be held harmless.
- Helen Budrock: So I can get the language directly from the comment demo.
- Arthur Rosenshein: Correct. Okay. Further the comment? Anybody on the Planning Board? Motion for conditional approval?
  - MOTION:
  - Gary Tavormina motions for conditional approval. Irv Newmark seconds. All in favor.

3. 5629 State Route 42 LLC – SBL 39.-1-34.6 – Continued review of site plan review to convert existing 2 story house into an office building. Zone: B. Acres: 6.98. Location: 39 Ambassador Circle, Fallsburg

- Joel Kohn represented.
- Arthur Rosenshein: We have 39.
- Joel Kohn: We have a copy. I actually sent it in. I copied Jennifer. I have an actual one here. Local determination.
- Mollie Messenger: You wanna see it, Arthur? It says local
- Arthur Rosenshein: The pedestrian connection between the building and New York State 42 should be included.
- Joel Kohn: I guess they have a suggestion about connection.
- Discussion.
- Joel Kohn: There is no walk anywhere. There is property here.
- Arthur Rosenshein: My understanding is that the old building in the back is not safe for people. Joel Kohn: That's correct.
- Arthur Rosenshein: How are you gonna secure?
- Joel Kohn: I did have same question. You gotta make sure it's in operations. So they have to make it secure.
- Arthur Rosenshein: How are they going to do it
- Joel Kohn: They will block anyone from the outside.
- Bucky Louckes: When are they cleaning it up?
- Joel Kohn: They're in concert. They don't own it yet. They're gonna be closing in the next month. They do plan to demolish it. We'll come back before the Planning Board for that.
- Paul Lucyk: Can we send out the building inspector?
- Mollie Messenger: Yeah. That building's condemned fall. There's no roof.
- Paul Lucyk: So if it's condemned, get rid of it. You're looking at the kids, especially when you bring kids in or whatever, but somebody's gonna get hurt.
- Mollie Messenger: I guess that's still in one way or another. You can either demolish that building so there isn't a hazard or put up a fence around the property.
- Paul Lucyk: Right. You know, like an eight foot fence, not a, you know, something.
- Joel Kohn: I get it. I may suggest we'll come up with something with a building department to see how we can make it one way,
- Gary Tavormina: one way to secure, eliminate the building.
- Joel Kohn: It will be eliminated
- Arthur Rosenshein: Well, Gary, if they make the building change temporarily, then, then they can go ahead with it.
- Gary Tavormina: We're putting a strain on the billing department to make sure that they don't use the building
- Michael Kirtack: They can't use it, they don't own the building. It's totally down.

- Mollie Messenger: I would've suggested there needs to be a fence, right. Arthur? I would think that you would put a fence all the way around it so then it's secured. Joel, I think that you would put a fence around the front building because then you're gonna have construction and invite people back anyway, so you might as well fence that area.
- Joel Kohn: Fence off that area so they don't have access to the back portion
- Mollie Messenger: Correct.
- Arthur Rosenshein: How about sewer and water?
- Joel Kohn: We have to investigate that. You can see manholes. We have to know for sure
- Arthur Rosenshein: When we approved that building with the model.
- Paul Lucyk: That was a model?
- Arthur Rosenshein: You need approval from the town to hook up.
- Joel Kohn: We need approval from the Planning Board
- Arthur Rosenshein: I hope you weren't expecting to be approved tonight I hope. Are you pledging the plans to put a fence up?
- Joel Kohn: If that is a condition then yes.
- Arthur Rosenshein: How high are you making this theoretical fence?
- Mollie messenger: Six feet is
- Arthur Rosenshein: Basically we have an existing building. It's been there for many years. The only condition will be the fence so far. Fence around the building. Anybody else have a condition to throw?
- Helen Budrock: Did you wanna assign a timeframe to the demolition?
- Joel Kohn: If you want us to come back at six months and get an update.
- Helen Budrock: I was gonna suggest six months, but I think that's a timeframe.
- Arthur Rosenshein: Sounds good so far. Six months in fence. Anybody else has something to throw in the office?
- Mollie Messenger: Arthur, Heads doesn't have the greatest landscaping and it would need a 911 sign or signage for the office building. So you're gonna wanna pretty up the front. Make it nice, yeah.
- Arthur Rosenshein: How are you gonna do that?
- Joel Kohn: We'll get nine one. If there is a nine one address, I believe there is a nine one address. We'll get nine one address sign out there and hang them on the lawn.
- Mollie Messenger: There might be site distance issues depending on that drive. I haven't been there in a long time, but there's a lot of overgrowth so.
- Joel Kohn: I was there today. It's not too bad.

- Arthur Rosenshein: I think the way to do this is chairman's signature will be pending these conditions. The fence. When the fence is there and the vegetation taken care of. Then you get signature.
- Joel Kohn: Okay.
- Arthur Rosenshein: Okay with the board? Motion?
- Helen Budrock: I believe just a change of use, so it would be considered a type two but resolution.
- Arthur Rosenshein: We have the motion. Do we have a second?

4. ROSEMOND SOLAR, LLC – SBL: 30.-1-9.4 – Continued review of an amendment of a previous approved site plan to allow for solar project expansion. Zone: REC. Acres: 50.1. Location: 191 Rosemond Rd., Woodridge.

- Walter represented.
- Arthur Rosenshein: Helen I think you were working on this.
- Helen Budrock: I think Dylan is on the call. Just from a SEQR perspective this is basically a minor modification of a project that had a negative declaration when it first came before the board. So what we ended up doing was after the last meeting, we sent a letter to all of the involved agencies that were involved in that environmental review at the time. Let them know that the Planning Board was going to continue to serve as the agency so that we don't have to kind of do the whole, you know, recirculation all over again. So we didn't get any comments from anybody objecting to that. So other than that, I guess there were no comments at the public hearing. I guess Hayden, if you wanna go first, so there were specific comments that you had.
- Hayden Carnell: I I just checked with the SWPPP inspector to see why they were continuing the SWPPP inspections because the site was stabilized and complete and it was because the grass they planted to spring after they put that pond in the, I wasn't aware that they finished the grass didn't take from that drought, so they paid it, but it was still monthly inspection. So I'm assuming they'll just start back up weekly once construction starts. And other than that, that was our only comment.
- Walter: We also didn't close out the slip knowing we were gonna, because two years ago NYSEG said they were going to increase the capacity, but we've all dealt with the electric, so, you know, how quickly they did that. So we didn't want to close out that permit and then get a new permit. So the permit for this project is still open and the area that could be developed now is within the area that was approved in the original, correct?
- Hayden Carnell: Yep. It's all cleared in grass and in the fence



- Arthur Rosenshein: Helen, did you come up language?
- Helen Budrock: I didn't draft an actual resolution 'cause we were gonna wait to see if there were any substantial comments at the public hearing before kind of doing a formal resolution. I did have a conversation with my colleague at the Albany office, Adam, who's much more well-versed in sort of the solar farms than I am. So he had a couple of recommendations which I can review now. And Walter, if you don't have an objection, we can kind of make those conditions of the approval if there's anything, you know, else that the board is concerned about.
- I think from what Adam explained, the biggest issue with the battery energy storage systems is fire protection. Right? And making sure that the fire department is, you know, sort of trained in dealing with these kinds of fire because they are sort of unique in how you sort of handle them.
- So what Adam would like to see it as sort of a condition of approval that would be submitted to him and also Keystone for review would be cut sheets for the equipment and details on the fire suppression system. Is that something?
- Walter: Okay. We, we submitted both of those with our application.
- Helen Budrock: Perfect. Alright.
- Walter: And we've had 'em for a couple of months.
- Helen Budrock: Okay. Sounds good.
- Walter: They're not lithium ion batteries where the fire fighting protocol is to stop at the first convenience or buy a six pack, go to the highest hill and watch it burn. These are the same batteries that were in your flashlights. The proposal here is for simple alkaline batteries and there were prior fighting protocols which testing and all the specs were submitted as part of the original application.
- Helen Budrock: So that includes an emergency response plan?
- Walter: In there. In the spec. We do expect and will fully accept any condition of approval that we meet with either the Mountindale Fire Department or it was suggested to me that maybe on solar projects it would be a good idea if the town would coordinate a meeting with all five fire departments at the same time. Either is okay with the applicant and we expect that as a condition of approval. We did send all of the information about the offline batteries because it is new technology to the Mountindale Fire Department. We didn't get any responses.
- Hayden Carnell: Do you have a certified mail for any?
- Walter: We sent an mail we have approved.
- Paul Lucyk: We never received anything
- Helen Budrock: Do you know who you sent it to?
- Paul Lucyk: Who sent it?

- Walter: Henry Adam from Bel River Solar Lieutenant. I have the email with the attached copy of what he sent. I can get it here, but we're not expecting to not meet with the fire department in person and we'll be fully accepting of a condition of approval that we get the proper training in place with acknowledgement for the fire department that they've been satisfied. That's the life standard of the project itself. Typically the leases are for 30 years with one or two five year extensions. At the time this project was proposed, those extensions were not included in the lease. The solar panels manufactured today don't lose their ability to generate power as quickly as the prior generation and the prior generation before that. And the prior generation before that. The newest leases we've been seeing have been 40 year leases, but the panels probably are not the driver of what the project would be decommission. There's a very expensive piece of equipment called an inverter, and the inverters have a lifespan of 12 to 15 years. So at some point when the panels are less productive than new panels and you have the expense of replacing an inverter, you probably would not replace the inverter. That's a long answer. The answer is we don't know.
- Arthur Rosenshein: Sorry. Different direction than, okay. I've been involved in the lighting school, various safety plans. So the problem I have, and I don't know how we sell, looking at 30 years, you're looking at three generations of firefighters. You're looking at training right away. That's good. They're already for it. So how do we have continuity? Because your fire happens in 10 years. None of the firemen have any idea what's going on. They either remember the training or they will never had it.
- Walter: It's a valid point. And with lithium ion batteries, I mean, I would share the concern.
- These are alkaline batteries. These are what's in your flash plate.
- Arthur Rosenshein: But this is actually, it goes back to the entire project. Is there some way that, that some signage can give a quick overview. Something that the farm the thing is producing electricity is sunny. Something solid that we can have that would be longer last.
- Gary Tavormina: Can we require that every three years has special training from the company? Arthur Rosenshein: Then the memory of having that done doesn't last either.
- Gary Tavormina: It's something that the fire company knows that every three years there'll be training, whoever's commissioner and so on, that they can notify the company. They're ready for some training, send somebody.
- Arthur Rosenshein: Well, that would be an easy way to do it
- Hayden Carnell: I think that would have to be done on a countywide level, like at the training center or something.

- Dylan Harris: Maybe one thing to keep in mind here too is that, you know, by 2030. We're supposed to be as a state moving towards almost all renewables. So I think there's gonna be more and more of these things coming through. So, you know, theoretically in the future, the training might be just normal, you know, run a business for a fire department as well. So that kind of, I think, takes away a little bit of the risk of having to worry about, you know, new people coming in every few years. I mean, I don't know if that answers the question, but, you know, if like a laminated, you know, instruction manual could be given to each fire department, that might be the way to do it. So they've got it readily available if something does occur.
- Michael Kirtack: They already have offered classes for the fire department, for solar panels.
- I know our department had gone to class at one time, I think, I think they did it in Woodburne. Gary Tavormina: That was because of the college and their panels.
- Walter: When projects have lithium ion batteries, the firefighting protocol is to stay away from Yeah, that's the protocol. They're designed to burn themselves out. They're designed to self consume.
- Arthur Rosenshein: We don't have that here.
- Walter: We don't have that. That's not, so what we have here is we have alkaline batteries in a steel storage container with a water supply there and just spray water on them and put them out. There's nothing fancy.
- Arthur Rosenshein: My question is what Dylan brought up, do we think it's adequate the fact that there'll be more and more of these so the farming will get retrained periodically because more of these are coming along. You think that satisfies one my issues?
- Gary Tavormina: That's why I recommended every three years.
- Arthur Rosenshein: Okay, Gary, I got that. Would that answer the question I have?
- Michael Kirtack: I believe that the state is starting to handle that because they're getting so many charging stations and you're getting solar panels and they're gonna have to start addressing it 'cause we've been told this as firemen, like he said, with the thing, you have a Tesla or whatever bars are, stand back and let it go. Right? And it can go for like three days. You, it's highly toxic and you can't do anything anymore.
- Arthur Rosenshein: All right. You think that what Dylan said would be adequate? Or Gary? Which is to have periodic training, but I don't know how we'd make a mechanism
- Helen Budrock: I was gonna say, the only thing I can recommend, which I don't know if this is even sort of legal or appropriate, is do we have the applicant put

money, like an escrow for the fire departments to use, to hire somebody to do training? I understand that they are consultants who do this

- Walter: New York State has an extensive training program. New York State as part of the rev, the renewable energy vision for New York State and the drive to make you take out your gas stove and make you drive an electric car. I mean, our fire department has training all the time.
- I can't tell you, but I don't think the applicant is qualified to do the training. I think New York State has trainers that go around to do it.
- Michael Kirtack: They're getting state classes now.
- Paul Lucyk: Check with the county and find out what, what we need to do.
- Arthur Rosenshein: Well, I don't wanna put it all on one applicant
- Walter: What this applicant is expecting, because it is a typical condition of approval, is that for this solar project in this fire district, if we offer the opportunity to train the local fire department as part of the conditions of approval.
- Helen Budrock: That's appropriate. I know there were concerns, I guess at the last meeting that the fire department should be contacted for, you know, for comment and the fact that for whatever reason that got lost in the sauce.
- Paul Lucyk: I don't know exactly if there was something sent down to the fire chief. I haven't spoken to him in reference to those.
- Bucky Louckes: That's why the fire district, because we don't have that problem.
- Paul Lucyk: Well, there was nothing given to the fire district.
- Walter: We were told to send it to the fire chief
- Irv Newmark: It goes to the commissioners
- Walter: We're very willing to accept the condition of approval that we satisfy the fire department and that can be a broad based condition. We'll do what we should do.
- Helen Budrock: So Arthur won't sign the plans until you get something in writing from the fire department saying
- Walter: Or until we give them enough that you're satisfied.
- Mollie Messenger: Arthur, when we did the college, I don't know if you remember or not or if you were there, we had all five fire departments come and we went to both disconnects and we walked the whole property with the fire department then. They actually had a bin there of so many blankets and so many things that had to be supplied to the fire department that had to be in the storage container. So I don't know if that's the same. I feel like we just follow that same protocol. Once it's installed. Before turn on, they should go through the disconnects and walk through the departments.
- Arthur Rosenshein: This basically the fire department, the districts are in, you propose training. Walter: We would propose that the training not be a condition of

Arthur signing the map, but it is a condition of getting a certificate of completion before we turn on the new part of this project.

- Because to take them out there and show them a vacant piece of land is not gonna be training. The battery should be there, the battery should be installed and we should have
- Arthur Rosenshein: So once we approve it and you do it, we need a certificate of completion to bring it online.
- Walter: We can't book it in, we can't attach it to the grid without a certificate of completion for the building department.
- Arthur Rosenshein: And that is the point where, where the training made sense.
- Walter: That's where the training makes the most sense in my opinion. Because then you're looking at an apparatus and that's how you've done it. If the one time you did it in Fallsburg, that's how we've done it at many other fire departments. When it's substantially complete, ready for interconnection, we offer an opportunity for the fire department to come out there and be trained. We have had situations in Delaware County where nobody shows up, there's nothing we can do about that. But we don't have any problem with a condition that we offer that opportunity.
- Arthur Rosenshein: So we do that on this one, a condition for training before completion. Is there anything else you can add right now?
- Helen Budrock: You updated the decommissioning plan.
- Walter: The decommissioning plan was done last time around. There's a decommissioning bond in place. Even with these additional panels, there'll still be less panels than were contemplated by the already signed decommissioning plan.
- Helen Budrock: But does the decommissioning plan need to be updated to account now for the battery storage, is there anything?
- Walter: Town board issue? If you wanna make it a condition, then we contact the town board to see what they want to do. That's fine. We'll probably ask for some money back if you ask us to do that. Since we have less panels
- Paul Lucyk: This changed hands. This company was brought out. How does the decommissioning plan carry over from the first Cypress Creek?
- Walter: Cypress Creek renewables owned the project company. The project company has never changed. You approved the project for Rosemond Solar, LLC. Rosemond Solar, LLC still owns the property and the project. What changed is the owner of Rosemond Solar, LLC. So you have the same project company. Cypress Creek sold the project company.
- Paul Lucyk: So the bonding is the same company, correct?

- Walrter: Yes. The project company, Rosemond Solar, LLC, is the party to the decommissioning
- Paul Lucyk: We did receive something from, from that. I just got the
- Walter: I'm sure you did because
- Arthur Rosenshein: Helen, can you make us I'm giving it to you to do.
- Helen Budrock: No, that's okay. So far I have the condition of your signing the map would be addressing any outstanding comments from the Mountindale Fire Department. Then I have a condition of the certificate of completion by the Buildings Department would be that you conduct at least one battery specific training and coordination with the fire department, at least offer that to them. Is that what you
- Walter: Are those two the same or those two things?
- Helen Budrock: I think they're two different things. Right? Because you said that you reached out to the fire department. I guess they got it, but we still want the fire department an opportunity to comment. Have they read the stuff?
- Hayden Carnell: They might ask for a turnaround or something on the plan separate from the training?
- Walter: Well, the plan turnaround that they asked for last time was already there.
- Helen Budrock: You can't anticipate what comments they might, you know, sort of have. I'm just, I'm just saying that you're asking a question. They're two different things.
- Arthur Rosenshein: I think it's a condition of signature. If there's substantial comments then we'll have to open up again
- Paul Lucyk: The only thing I would say is I don't know if the fire chief or whoever's controlling that knows about these training plans that you wanna offer. So there has to be some continuity. Either we get a letter from the commissioners saying what, what you wanna do and what we need to do to protect our firefighters.
- Helen Budrock: I have conducted at least one battery specific training in coordination with the fire department. So it has to be done in coordination with the fire team. Does that make sense? The other suggestion that Adam had was a condition would be to make sure that the vegetation around the battery storage equipment should be maintained to allow for sufficient access. And the other thing is, do you recall what the conditions were of the original special permit and have they been met?
- Walter: All the conditions of the original permit were met. We got a building permit, built the project and got a certificate. The only thing that remained open, which was not contemplated at that time was the (inaudible).

- Helen Budrock: So I think I have what I need to be able to kind of memorialize this in writing after the meeting. If the board is comfortable, you know, making a decision tonight, you can certainly do that.
- Arthur Rosenshein: What do you think? You good with it?
- Paul Lucyk: Long as there is training and everything. I don't think there is a problem. As long as they're not pulling wool over our eyes.
- Arthur Rosenshein: The motion is with the condition that Helen read to us. Motion?
- Helen Budrock: And Arthur, before you do that, just reestablish or reissue the negative declaration first before you go.
- Arthur Rosenshein: You can acknowledge the negative dec. It's a reaffirmation of the negative check motion based on the fact that we got no return.
  - MOTION:
  - Bucky Louckes motions to affirm negative dec. Irv Newmark seconds. All in favor.
  - MOTION:
  - Irv Newmark motions for conditional approval. Bucky Louckes seconds. All in favor.

5. AERO-STAR PETROLEUM, Inc – SBL:21-1-22.2 - Continued site plan review consisting of site plan and special permit for purposed new building and fuel pump island to replace old building and fuel pump island with additional parking. Zone: B. Acres: .39. Location: 6093 ST RT 42, Woodbourne.

- Glenn Smith represented.
- Arthur Rosenshein: Glenn you're not getting approved. Basically we are waiting for the DOT tonight. When we hear from then we will continue on. We don't have much more to do here
- Mollie Messenger: Did you want to meet with Randy on the sewer line?
- Glenn Smith: Yes.

6. KJ ESTATES DUPLEX DEVELOPMENT – SBL# 12-1-64/17-1-2 – Continued review for a duplex development consisting of 52 units. Zone: REC. Acres: 22.8. Location: Karmel Jacobs Road, Loch Sheldrake. Cross Road: SR 52.



- Glenn Smith represented.
- Glenn Smith: This is on 52 in Farm and Jacobs Road. The board held a public hearing on this back in March. If you recall. And then the requests just kind of stopped at that point because half the property was in the HR zone with 50 duplex homes and the other portion in the REC. The Town Board held a public hearing in April on the zoning change. In June, they approved the zoning change. So the whole property is now in the HR zone.
- Arthur Rosenshein: Okay. They haven't done sewer yet?
- Glenn Smith: Haven't done yet. Any kind of approval we're getting, they are looking for Planning Board approval.
- Discussion.
- Bucky Louckes: How can we give you approval without town water and sewer?
- Helen Budrock: Yeah, that's typical. Don't forget, we couldn't review the proposal. Or we kicked it back to the town board because the zoning didn't allow it. So it's standard protocol. We get these all the time that the water and sewer district extension is conditioned on your approval.
- So it's sort of a two step process as far as that's concerned
- Glenn Smith: We have properties in the water district.
- Eli Brezel: The DEC for example, never review the plan until you have a Planning Board approval.
- Helen Budrock: It is just like Zimmerman. The one that we just approved, the very first site specific condition was, it was conditioned upon town board approval of the I think it was the water district extension.
- Paul Lucyk: In that case, can we get a letter from the town stating that there's adequate water and sewer with the proper fire flows for this project before we approve it.
- Helen Budrock: We're a long way away from approval. This was just the first time that information.
- Discussion.
- Arthur Rosenshein: You have 239. You've got architectural.
- Helen Budrock: There hasn't been any detailed engineering yet. This is just purely conceptual, but we couldn't move forward with any of the details until the Town Board approved the zoning change. Otherwise it would be pointless for us to continue it.
- Glenn Smith: We did get the 239 and they recommended local determination on this back in February. And your board did motion to lead agency back in February, March, also the 30 day period that lead agency at some point.
- Helen Budrock: Yeah, I think, you know, again, this is the very beginning stages of this project in terms of the Planning Board's review. So the first thing is, is that

the board did declare their intent to serve as lead agency a couple of months ago before it got kicked back to the town for the zoning change. So now that the 30 days has expired, the first thing that the board should do is assume lead agency status for the environmental seeker review

- Arthur Rosenshein: An unlisted action?
- Helen Budrock: Yep. It's classified as an unlisted action motion to make this anonymous action. Arthur Rosenshein: Motion to make this unlisted action for lead agency status?
  - MOTION:
  - Bucky Louckes motions for lead agency status. Irv Newmark seconds. All in favor.
- Hayden Carnell: So if there's any intersections that haven't been counted in the last couple years from the other projects, they should
- Paul Lucyk: We need the overall picture of everything on that.
- Hayden Carnell: Yeah. So I think one of the things, traffic counts. Traffic counts. If you need new counts for any intersections, you need to do it now before.
- Helen Budrock: So does the board want to do traffic counts, updated traffic study as part of the environmental review from a timing perspective, get that done now because that is time sensitive. So that's the other thing is that the applicant will respond to the public hearing comments in writing and supply that for the next meeting. I think the board should probably have a discussion about the parking waiver because this particular project is maxed out in terms of lot coverage, the maximum is 25%, and right now the lot coverage is at 24.9%. But that's assuming that the Planning Board is going to grant a parking waiver. So if the board is favorable to that, fine, but if the board isn't, then that would affect the layout and the number of units because to, in order to accommodate the additional parking that's required by code, they would have to shift some stuff around, maybe lose some units. You know, they'd have to kind of do a little bit of redesigns. But that's something that you really should talk about now before they get into the more detailed design
- Arthur Rosenshein: Let's get the numbers to look at rather than just on it right now and vote on it.
- Helen Budrock: No, I don't. I mean, have a discussion, you know, so that, how many spaces would they, Glenn?
- Glenn Smith: So basically we need two and a half spaces per unit. So basically upon units that's 106 spaces and another 27 spaces. Zoning also requires to figure out parking spaces, including building also. So we that back in, that's 202 spaces. I'm saying deducting a community building, we are now 65. So from 202 to 165

- Michael Kirtack: And you can get five duplexes
- Glenn Smith: Oh, absolutely. That's basically five spaces for every duplex and other parking areas around the property.
- Eli Brezel: I agree with Helen as far as top coverage, but if we have a problem, the simple solution for us would be to make small units, these are single story units, so we would make a smaller footprint and then we would bring our 5% way down.
- Arthur Rosenshein: You have done it before. Anything else tonight?
- Eli Brezel: When we went to the Town Board, for them to vote on the zoning change they first went to neg dec.
- Helen Budrock: Yeah, I think, I think what we'll do is since this is the first time that the board has seen it back since the zone change we know that traffic is something that the board is gonna wanna take a look at. And that's time sensitive, so let's get that going. And then I think maybe what we'll do is we'll take the EAF that you guys submitted and at the next meeting we'll go through part two and we'll identify, other than traffic, any other specific impact areas where the town is gonna want. There, there were no wetlands, right? There were some steep slopes, but nothing, you know, nothing crazy. But let's go through the exercise of going through the questions on the part two, give the board a chance to, you know, react to see if there's any additional studies they wanna see, and then we can take it from there. Does that sound all right to you?
- Arthur Rosenshein: Okay.
- Helen Budrock: Well any, I'm sorry. Anything else?
- Michael Kirtack: No, I wanna make sure they do at least one of the traffic studies on Friday because that is a big part of it.
- Hayden Carnell: Still put together a scope of work for traffic, right? Intersections or
- Helen Budrock: Yeah, the different intersections.
- Hayden Carnell: I don't know if the board wants to engage Gordon yet or not, but
- Mollie Messenger: Gordon is engaged through Keystone. Okay. Gordon Steinberg, you deal with him
- Arthur Rosenshein: Do you think he should be in on where the county statement
- Hayden Carnell: Well, he'll review what intersections what they're proposing and maybe some counts. Are they have counts already for some, some they might need. So he'll review the scope work.
- Helen Budrock: Is there anything else other than traffic? I mean obviously a SWPPP is gonna be prepared for the storm water. Are there any other major issues?
- Arthur Rosenshein: That pretty well covered?

- Helen Budrock: Okay, so stormwater and traffic.
- Arthur Rosenshein: I mean, we see how many of these could be coming in
- Helen Budrock: And obviously once you get into the detail engineering, we'll see number landscaping and all the rest of those details. But right now, it is very early
- Eli Brezel: That's how we had working for a long time right now to make the landscaping plan, but it's on paper. A lot of times it doesn't write itself out well in the field. So a few weeks ago we had the landscaping design back there. And then we implemented the plan for the asphalt.
- Helen Budrock: And who was it that signed off on the landscaping plan?
- Eli Brezel: Garrett Watson.
- Helen Budrock: But for the town who signed off on the landscaping, the town?
- Hayden Carnell: We haven't gotten it yet.
- Eli Brezel: Mike Reilly will send it.
- Arthur Rosenshein: What's the word on actual sewer and water availability?
- Helen Budrock: That's why we did a conditional negative declaration with Zimmerman, because on paper the lock sherick service area is out of water. So again, hence the disclaimer statement and hence the conditional negative declaration for Zimmerman. So going forward any projects that will be tapping into the public water system or contemplating tapping into the public water system would, you know, that would be a condition of the environmental review.
- Discussion
- Helen Budrock: It's in Kim's list. Yeah, there's, there's a bunch of projects in the hopper that if they are approved, that capacity will be gone fairly quickly. So it's a valid question. Okay. Just wanna thank the opportunity to thank Molly for all her years of service. Thanks a lot. Was a pleasure.
- Mollie Messenger: Thank you.

7. LUXOR JUNIOR – SBL# 12-1-41.5 – Requests continued review. Zone: PUD. Acres: 41.62. Location: Maplewood Ave., Loch Sheldrake.

- Randy Wasson represented.
- Randy Wasson: We had some more sessions and other issues came up. One of them was the actual zoning of the site is formally part of PUD one. I guess I wasn't involved in this aspect of it, but it went back to the town for clarification and in fact, it is officially now PUD number one and project layout and design and everything meet requirements of PUD number one. So we've been through several rounds of review with Keystone Associates on the technical review, on the SWIFT review and on the engineering components. They signed off on the Swift and there's only

literally four or five more or less housekeeping comments, not technical comments, so much as surveyor signature on boundary survey. Just a couple things like that that need to be done with respect to the plans themselves. One thing I would notice the project was originally a hundred homes. And we had obviously a lot of comments from the Sheldrakes Shore folks and they're concerned about the developer. So what we did is we took the houses that were along here, they had all been configured as all the rest of them are. We rotated them 90 degrees, as you can see, and it gave us an extra 30 feet of space between the boundary line and we have a fence and we have continuous evergreen screen going along that line. And we got three houses and we are down to 97. So also if you're a lot of talk about water and pressure and firefighting, that sort of thing, this will have hydrants. Eight inch water mains will be duped. They'll connect to the system found water main right here. We did both from there on a couple occasions. Most recently was 2018 with Sullivan Fire. And we had static pressure. There was 90 PSI. 1,016 gallons per minute for flow. So we've got plenty of water and plenty of pressure at that point. The whole system moved the losses to the system to be milled even in fire flow conditions. So we should be okay with that. We have submitted and updated a long or full environmental assessment form for your review. And we have to go to the Town Board for extension of water and sewer districts. Those reports are done that we are going to the Town Board this coming week. And so that is the status we're trying to work with. Now at this point, we're almost done. We're looking for neg dec on seaker and then site plan approval.

- Bucky Louckes: Foundations or walk up?
- Randy Wasson: Well, they'll have concrete foundations.
- Bucky Louckes: Well, what do you mean? In the ground?
- Randy Wasson: In the ground foundation.
- Bucky Louckes: Nothing sticking out?
- Randy Wasson: These are 2 story houses. Foundation, whether it's crawl space or foundation, it might depend.
- Bucky Louckes: Because when you have a one story, two story foundation and the first floor sticks up from 8th in the ground up, that's the first floor. And which I think first floor, they have to be finished with the house. Am I right on that?
- Hayden Carnell: That's Building Department. We went through that. I talked to Greg.
- Bucky Louckes: It's because it's not a foundation then. Because now it becomes the first floor. The first floor becomes non unfinished. How can a first board become non-fixed? So now it's making a Building Department do too much work.
- Randy Wasson: We have to code whatever it code, right?
- Bucky Louckes: So have an finished floor, have a floor.
- Arthur Rosenshein: Say that again. Didn't sound right.

- Bucky Louckes: You have, you can have an unfinished basement. Yes. The first floor is not a basement on top of the ground. You walk out your door and you are walking out the ground. That becomes the first floor. In the ground. So you can't have an unfinished first floor and finish up the floor.
- Gary Tavormina: I think what he's saying is that if the basement is out of the ground.
- Michael Kirtack: You need to finish that
- Randy Wasson: base. Okay. So we have a flat site. Flat, and you're gonna walk out and you have an eight foot tall basement. And you've got three or four feet of that foundation exposed. But being a flat site, it doesn't lend itself for a walk, but it comes first floor.
- Discussion.
- Gary Tavormina: Single family home. I just built my daughter. The foundation exposed is 18 inches above the ground period. Not four foot, not three foot, not 10 foot. So if it's a flat piece of ground, the foundation should be eight feet in the ground.
- Bucky Louckes: No, you don't have to be 8 feet. I'm going with the Building Department. Everybody's got a problem. The Building Department has the biggest problem because these become unfinished. How you get a permit to finish your first floor? If you already got your second floor, but you're not getting a basement permit, you get your first floor permit.
- Mollie Messenger: The initial permit that they get is to finish the building as designed without the basement. Then they come back and they have a finished basement permit, which is essentially, depending on where it is in the elevation and what the actual grading is, it could potentially be the first floor. Where the building department has come into problems is when that basement gets finished and then it becomes a third floor. That's another large issue that we've been having that gotten better with it when, you know, Hayden takes out elevations and all that kind of stuff, so if they do end up building a one story house in the basement, the basement becomes the first floor, that's fine. Then they can have that basement finished. It becomes a two story home also fine. But then the problem is when it's a two story home and it's not completed correctly, then it becomes a three story.
- Helen Budrock: Are these one stories or two stories?
- Hayden Carnell: Two stories with a basement. That's why they brought it up.
- Mollie Messenger: So the grading plan, you know, Randy and Hayden know is extremely important because there's a calculation that has to be done around each home, six feet away from the foundation, six feet out where it's at, and the percentage of the basement out of the ground.

- Hayden Carnell: They can still have walkouts, but the average height of the foundation. Right. The one side could be exposed.
- Randy Wasson: If the basement becomes a story, you've got two stories already above. Well then, you know, you gotta have sprinklers.
- Hayden Carnell: That's the issue we're having because some buildings, some buildings are built now they're putting sprinklers in 'cause they didn't bury 'em enough. Then they try to throw dirt on the foundation and that doesn't work either.
- Arthur Rosenshein: Is there anything this board can do about it or should do without?
- Hayden Carnell: Just be clear on what they're asking?
- Paul Lucyk: The height. The height, the foundation, the ground.
- Hayden Carnell: Yeah.
- Randy Wasson: These units are similar. Very similar to the
- Arthur Rosenshein: Years ago, there was a whole discussion and we tried saying you can't have a probation.
- Mollie Messenger: Years ago you did four in four out. Four and four out. Right? That was a long time ago. Yeah. You guys had a four in, four out rule.
- Gary Tavormina: That four in four out became the first floor
- Randy Wasson: That doesn't prevent the basement from becoming another floor.
- Arthur Rosenshein: The only way to prevent the basement from becoming (inaudible)
- Discussion.
- Randy Wasson: It really is a code issue. I know what you're trying to do. Some people do this in the bed at night and it puts a lot of pressure on the Building Department and I get that. But also there is building code and I don't see
- Mollie Messenger: It really comes down to the grading plan. So when Randy develops the grading plan, Keystone and Hayden develop a grading plan, they look at it, they're gonna highlight any points that could potentially be a three story unit, there could be issues, whatever. But that first floor is set on the plans. Randy's going to set them and they have to hit them, which is why Hayden checks them.
- Hayden Carnell: Now I go out with GPS and before the footings board, or when the footings are in, I check to make sure that it's within a couple inches of proposed polar elevation within reason.
- Helen Budrock: Randy, do you have a grading plan or no?
- Randy Wasson: So this is Maplewood coming in right here. So the draw from the front of this house, for example, for the back is there's a two foot drops, so it's maybe four at max front to back. The house were four feet out of the ground and



it drops four feet. You could have a walk out in the back. And then the secret is like this one, you know, it's likely that you would've certainly exposed foundation. Up in here, you can see there's no grading at all. It's very, very flat. These houses are beyond flat. The only way you could make a walk out would be to build some retaining walls and put some steps up. Again, that's building code

- Helen Budrock: Can I Arthur, do you mind if I back up and take a 10,000 foot view here? So we're a long way away from a negative declaration here. So Yes, I'm sorry Randy. You guys come, you disappear for like two years and then you come back and you expect that the board is just gonna like, pick up where you left off.
- Arthur Rosenshein: I just gonna say when this was first, first way back, I can remember for some reason we had the children of the people in. Their children. Who's it for?
- Randy Wasson: That's what I would know. So I don't have a better answer. But if you look at the C sections that are being built, that Luxor that is next generation
- Arthur Rosenshein: Is it gonna be retained within in the family or is It just gonna go on open market.
- Randy Wasson: It's intended for the families.
- Arthur Rosenshein: We still claim.
- Helen Budrock; I just, I wanna start from the beginning and I know from your perspective, right, this has been a 17 year saga, but from the Planning Board's perspective, the last time that this Planning Board declared any kind of lead agency under seeker and circulated notices to DEC, all the regulatory agencies was 2013. So we are basically starting from scratch with the SEQR process. So the first thing that the board needs to do here tonight is declare its intent to serve as lead agency under SEQR, get those notices circulated. And then what I would like to do is to go through part two of the EAF and identify those areas where we need those additional reports and studies. So I know you've done some updated reports and studies. You talked about a habitat assessment. Was the wetlands report updated? So that was one of the things that the board requested. Back in 2008 was when the traffic study was done, to my recollection. So that's also something that I think the board is gonna wanna see updated. A lot has changed since 2008. I know you said that the stormwater, you know, plan has been submitted and reviewed by Keystone, but there's still a lot of things that need to be reviewed for the environmental review process before we can kind of take the, you know, take the next step and the first step is lead agency and then we'll take it one step at a time.
- Arthur Rosenshein: Right. Do that and get it done.

- Helen Budrock: Yes, do that, get it done. And then with your permission at the next meeting I'd like to go through part two of the long form EAF. And go through it section by section and have the board decide which areas they want, you know, additional analysis. And what we'll do is we'll do it as an expanded part three, where you can attach all of the reports and studies to the part three and then we can, you know, figure out where we stand from there.
- Arthur Rosenshein: Alright. It should be substantially the same. But yeah, I kind of wondered where to go. All so motion for lead agency unlisted status.
  - MOTION:
  - Michael Kirtack motions for lead agency. Paul Lucyk seconds. All in favor
- Helen Budrock: So Randy, you'll coordinate with the building department to get lead agency notices sent out to all the usual characters, right?
- Randy Wasson: Do we have to get notice that we sent them?
- Helen Budrock: I think we have some new staff in the building department. We are trying to rely more on the applicants to do that. So you can consult with, I guess, me on the different agencies. I mean, you know, pretty much from the EAF, who you need to send it to, right? DEC, DOH, you know, all the rest of those. And then you send them out. And then we'll have a 30 day expiration. If nobody comments, then we can move on to the next step. I've mentioned this before but I did issue a comment memo from a zoning compliance perspective back in August of 2021 when we had the public hearing, and I have yet to get a response to my comments. The most significant of which, which may affect the layout and compliance with the zoning, is that there are general requirements that apply to any plan unit development, not just this one. And one of them is the 35% open space requirement. And you can't use setbacks and stormwater basins and everything else. It has to be either usable recreation space or underserved, you know, forest land. You can't just kind of, you know, count the buffers and everything as that. So I'd really like to see a calculation on the zoning compliance table to just make sure that you're complying with that 35% open space requirement. That's the most important. But there are other comments that I had in that memo that still haven't been addressed. If you could take a look at them and respond in writing, that would be helpful. I think that's all I had for today, Arthur. I don't know if there's anything else.

**8. NEWBURG EGG WAREHOUSE – SBL: 63-1-8– Continued site plan review for 2 warehouse buildings, 1 to be 110,000 SF and the other to be 137,500 SF. Zone: I. Acres: 58.25. Location: 629 Glen Wild Rd, Glen Wild.**

- Joel Kohn represented.

- Arthur Rosenshein: 239?
- Joel Kohn: We haven't had anything on that. We sent it out to the county.
- Arthur Rosenshein: Landscaping plan? The question is that driveway pointing at someone's house?
- Discussion.
- Bucky Louckes: All those trucks are coming in and backing in there.
- Discussion.
- Paul Lucyk: I'm gonna say that the county's gonna win two driveways. What happens if there's a serious scenario and you can't get in there? Nevermind. You gotta have emergency access if the one road is blocked.
- Joel Kohn: So there are requirements, the New York City fire code, certain projects meet two access, this meets this project meets the New York State Fire Code. You have a residential project above 30 units. You have two emergency access roads. This project does not work like that, so we do, we do have to have emergency access around the building, which, but we don't need to have and this will be sent to the county as well. The county will actually rather want one access rather than two access.
- Bucky Louckes: Hour of operation? 8 at night until 4 in the morning?
- Joel Kohn: I will get you the answer to that.
- Helen Budrock: So just a couple of technical things. Make sure when you send out the 239 review, that it's not just because it's on a county road, but it's also adjacent to an Ag district. You wanna make sure that the Ag planner has a chance to review and, and comment on that. We just got the EAF, is that correct? Right. We didn't do any lead agency or anything yet on it?
- Joel Kohn: Yeah. Two weeks ago with this question.
- Helen Budrock: Okay. So we need to at least declare intents to serve as lead agency, classify the action. It is a type one action. So same thing, I think just to have sort of an appendant part three EAF and have all of your studies, like the letter from Carlito, the SwPPP, you know, all of the Wetlands report, all that stuff should be appended to the part three, so that we can look at it as kind of like one, you know, one package.
- Paul Lucyk: And what about the grading plans? See what the height. Where you gonna be at.
- Arthur Rosenshein: On your next submittal.
- Paul Lucyk: Is this gonna be a forest? It's gonna be year round, correct?
- Joel Kohn: Yeah. Yeah. Okay.
- Paul Lucyk: Are these buildings gonna have heat so they can be sprinkler?
- Joel Kohn: Well, we most likely be sprinklered

- Paul Lucyk: So we have quite large buildings and I wanna say, God forbid there's a fire, we want to have enough water so that we can have a couple ladders there for two hours. So I think you're gonna need to put in some kind of underground water system for volume
- Joel Kohn: We'll look.
- Arthur Rosenshein: Why don't you have Woodridge write something to us? If the fire department thinks it warrants, have them send a letter to us.
- Michael Kirtack: You don't know. Send plans to the fire department. Right?
- Arthur Rosenshein: But we can better concentrate on it. If you know, you can say fire department is asking for, because he's right. It may not be code, but it may be something we need. So I'm asking the fire department submit this letter
- Discussion
- Arthur Rosenshein: They know basically what they need. If they do well, let's say if they do so, why don't you ask them to do that? So we have something in writing.
- Michael Kirtack: The fire department has to know how much they have before fire department can respond. The fire department is not gonna say have trained for the amount of cardboard you need X amount of water. That's their job. And then they submit it to the fire department and they look at it.
- Paul Lucyk: You bring in somebody from the state that knows we don't guys want, give it to us in time.
- Hayden Carnell: Whatever the use is determines what the fire rating is. There's hazardous, there's combustible, there's different classifications and that will determine on the flow and use of
- Paul Lucyk: But I wanna make sure that this is handled.
- Discussion.
- Helen Budrock: Joel can just, Joel gonna send the information and ask the fire department to comment and the fire department tell us.
- Gary Tavormina: I've got a question pertaining to that young lady over there. Your driveway that's in there. How close to her house is that driveway?
- Joel Kohn: We'll show it. We'll show it.
- Gary Tavormina: What I'm saying to you is show the driveway as far away from that house as you can get and still be productive.
- Joel Kohn: Sure. So the drivers actually show where the best sight distance, you know what I'm saying?
- Gary Tavormina: Because you know, you know, and I know. Not coming at eight o'clock in the morning. Some of 'em might be coming in late at night, you know what I'm saying? And if they turn around, they don't need the lights in that lady's

face's. Get a driveway as far away from that lady's house that people possibly put.

- Arthur Rosenshein: That's why we may request to see where the houses are
- Hayden Carnell: I'm pretty certain there's only maybe 50 feet area that that's gonna be able to get site distance right.
- Discussion
- Mollie Messenger: Mr. Chairman, we probably can't hear the record.
- Hayden Carnell: Only one person can be recorded at a time.
- Arthur Rosenshein: Anything else?
- Hayden Carnell: They did the wetland delineation that you said was gonna be done last meeting. Now that's just a sketch. That's not survey location? That's surveyed?
- Joel Kohn: Yes. It actually changed the configuration
- Hayden Carnell: I didn't see the lot coverage with wetlands deducted from that area.
- Joel Kohn: (inaudible)
- Hayden Carnell: You show locations for septics?
- George Duke: Yeah, I mean, there's two on this side right here.
- Hayden Carnell: I think before there's a conditional approval of anything, at some point there should be at least testing done to make sure they're adequate since there's a lot of wetlands there. Not necessarily final design, but at least making sure they're adequate locations because that could change the site plan a lot.
- Paul Lucyk: There was a chicken farm many years ago and that was lagoon.
- Arthur Rosenshein: The septic system is dependent on the bottom of the building, not on the number of people working.
- Hayden Carnell: Correct.
- Arthur Rosenshein: But we can't wait to
- Hayden Carnell: You don't know. They could sell it and then, or a different user at lease it.
- Helen Budrock: So Arthur, could you entertain a resolution to declare your intent to serve as lead agency so we can get that circulated.
- Arthur Rosenshein: Okay. Then potentially type one.
- Helen Budrock: Yeah, it's definitely type one.
- Arthur Rosenshein: Yeah. Alright, so motion type one, lead agency status
  - MOTION:
  - Bucky Louckes motions for lead agency. Irv Newmark seconds. All in favor.
- Arthur Rosenshein: Anything else?

- George Duke: And then I guess, do you need to give an authorization specifically for us to refer to the county
- Helen Budrock: No just follow up with the building department office and we'll make sure that gets done well.

### NEW BUSINESS:

1. YESHIVA GEDOLAH ZICHRON MOSHE – SBL: 39B-1-15/39.1-1-6.1/6.2 - Requesting site plan review to build a Synagogue and Elementary school for K-8 Boys. Zone: R. Acres: 7.46. Location: Yeshiva Lane, South Fallsburg.

- Rabbi Shair and Javi represented.
- Rabbi Shair: We're building a new elementary school for our boys
- Javi: The yeshiva would like to instruct a new synagogue in elementary school to replace the current building. School would be approximately 160 students with 20 staff members at any given time. The school is located on property that is owned by the Yeshiva and the access is from the east also through property that is owned by the Yeshiva. And we came here today because we are in the properties we're discussing are in the R district. And we would, like in the art district, there is no use for a school. So we came to request
- Arthur Rosenshein: You want us to reject you so you can go to the ZBA?
- Javi: Exactly.
- Arthur Rosenshein: Why did you not take the driveway in front?
- Javi: We wanna keep things fully access to everything as close to the yeshiva.
- Arthur Rosenshein: Right. My concern was there are people living in the house owned by the yeshiva. Putting in active driveways may be an option they don't want. Just a thought. That's what these maps are about. We don't want that, there might be children living in these houses.

- Mollie Messenger: Rabbi Shair are these for additional 160 students? I thought it was already students coming to the school and you were just separating them.
- Rabbi Shair: They're now currently on campus, on the main campus with the big boys. We want the big boys and the little boys.
- Mollie Messenger: I just wanted you to clarify that with the board.
- Javi: That's not an additional, it's not additional.
- Mollie Messenger: You wanna be very clear with the Zoning Board and the Planning Board about your actual population.
- Javi: We're not adding anything.
- Gary Tavormina: What is the building gonna be constructed on?
- Yuri: I actually grew up here, attended a Ries back from
- Gary Tavormina: I'm concerned about the construction of the building. Is it gonna be mason? Yuri: Oh, it's likely masonry with wood trusses.
- Gary Tavormina: My concern is the children. Okay. If it's made outta concrete, at least the kids gotta stand, have a chance. If it's not, they are gone, we don't need that.
- Mollie Messenger: Rabbi Shair is well aware of the fire issues. Remember the last one burnt down. So they are fully, fully fully aware
- Arthur Rosenshein: That's all we can do.
- Rabbi Shair: Another reason why we this location is that the children would walk to school, right? They're part of the community and have them walk all the way down Park Road and Brickmand. Brickman is pretty busy.
- Arthur Rosenshein: Alternative is to have them on Brickman and have them walk in without any
- Rabbi Shair: Some of them are coming from the other side where they're gonna have to cross Brickman Road and that speed limit there is 45 miles an hour.
- Michael Kirtack: It is 40.
- Helen Budrock: Nobody does 40.
- Rabbi Shair: Definitely wanna work with you and we reach out to you, something like that. As this plan develops more.
- Arthur Rosenshein: Helen, is it too early to bring you in?
- Helen Budrock: You could bring me in if they make it through the ZBA and come back. At least that will give me a chance that when you do come back, then I can be proactive and take a look at the plans.

2. NY FALLSBURG II, LLC – CYPERT ROAD SOLAR PROJECT – SBL: 9-1-36.5 -  
 Requesting site plan review for installation of large scale solar energy system. Zone: AG.  
 Acres 22. Location: Cypert Rd, Woodbourne.



- Walter represented.
- Arthur Rosenshein: Maybe for the first time ever, most of the neighbors want it. That's pretty unusual.
- Walter: Don't chase me. I mean we've had a good reception. I mean there's no site that I would say is a completely ideal site, but this is close to an ideal site. So what we've provided to the board, which I didn't bring copies of because it's a large document, but we sent a copy of the application, page one environmental assessment of the property. The history of the use of the property is described in that phase one. It is a successional type forest property. When I was a kid growing up I knew the cleaner family. They lived here. And this was like fields. This property unlike your property. This is in the Tri-Valley Central School District. The other side of the road. So we sent in a phase one environmental site assessment that has a complete history of the project site. We sent you one because it's a big document. If anybody wants that, happy to email it to you. We also provided a project summary, and this is a document that we've developed over time. It's a fairly lengthy document, but we've tried to index it in a way in which things are easy to find. It's got a complete summary of the project, the purpose, how the electrical installation works, how the connection to the grid works. Whenever we get the same question from a planning board or consultants more than once, we try to amend this document so that we've given you a lot of information and most of the questions that would be asked, you'd be able to find the answers in the project summary. We've also prepared and submitted a proposed decommissioning plan. We negotiated the decommissioning plan with the town of Fallsburg for Rosemond. So we've used the same template for the decommissioning plan, which is a town board issue, we'll work with the town board on getting a security for decommissioning agreed upon. It'll probably be in line on as per megawatt basis with the new, for the smaller Rosemond project, the project looks like it could be five megawatts, which is the maximum sized project you can build in the great state of New York without being considered by Public Service Commission as a public refillable. We also submitted an operations and maintenance plan, which deals with the ongoing operation and maintenance of the project. How to handle the grass and metal grass and wildflowers that will be planted below the project site. There has been contact from a couple of neighbors who there's not been a great success in using animals to graze off the grass within solar projects, but this might be a unique circumstance. The former extension agent left has been in contact with us, and he knows a farmer who has a farm with a good water resource right here. So in the past tractor trailer loads of sheep and dumped 'em off someplace and came back three weeks later, didn't work so well. But if we could use

- Arthur Rosenshein: John Allison?
- Walter: Yes. The best part about this project, because I know what town I'm in. This doesn't need any public water use and it has no sewer, right? There's no duplexes and there's no 16 bedroom housing. So the operation maintenance plan if we can get something to be put in place with someone to graze sheep there, there's actually been another sheep grazing company that contacted me that had the contract to graze off the exposed side of the impoundment for the dam at the Roundout Reservoir. You could drive by there and you see there's temporary fencing and herds of sheep out there. They're also interested in using the free grass on this project for their sheep. The maintenance plan we have now doesn't contemplate that, but if we do end up with that as an opportunity, we will amend it. We also provided a long form environmental assessment form part one. I have not been involved in any solar projects of this scale where the Planning Board in towns that have zoning where the Planning Board wasn't the lead agency. So I don't know what Helen's view would be, but it seems to me that there's no other logical lead agency. So if the board could declare its intent to be the agency, we can start circulating the notices to be interested in zoning.
- Helen Budrock: Yeah, I think the board should definitely declare its intent tonight. The only question I had before we do that is the first of all, I haven't been engaged on this, so I didn't take a close look at it, so you can engage me if you like. But the EAF under the permits and approvals required says town Zoning Board of Appeals, possible area variances, is that something?
- Walter: Well, that'll be dependent upon the ultimate layout. What's shown on the plan now is a layout involving tractor panels. And you know that because north is at the top of the map and the strings and solar panels are running north and south. So if this was ultimately to be a fixed tilt panel project, the streams would run east and west and all of the panels would base the south. As a tractor proposal, the panels would run north and south and they would rotate. Sun comes up over here. High noon suns over there, so the panels would rotate with the sun coming over. We're not positive at this point whether this project will involve fixed bill panels or trackers. Helen Budrock: Does that affect whether a variance is required? Just explain how
- Walter: It might affect the amount of property to be used and if the amount of property that needs to be used increases, it is possible that the dust location might push it closer to some of these properties over here.
- Helen Budrock: So what I'd like to do, if the Planning Board is okay, again, this is not my area of expertise. If you wanna engage Delaware Engineering, I can send it to Adam and have him do a formal comment memo, you know, for the next meeting. You can do lead agency, get that out of the way, and it's up to you as to

whether or not you wanna go ahead and schedule a public hearing and get some input from the neighbors. Or wait until

- Arthur Rosenshein: I think we wanna wait until we get
- Walter: Yeah, we're okay with the public hearing not being scheduled, but we would like the Planning Board to declare the agency.
- Arthur Rosenshein: Motion to bring Helen and Ken on board?
  - MOTION:
  - Michael Kirtack motions to engage Helen Budrock and Ken Elsworth. Gary Tavormina seconds. All in favor.
- Michael Kirtack: Talking about the sheep, they bring them in and leave there for a certain amount of time. They truck 'em out and bring them back.
- Walter: What happens is you try to have enough animals that the grass is eaten in a short period of time, but the sheep are not there for a long period of time. So they're supposed to go and check it every few days. And when the grass is gone, they put the sheep back in a tractor trailer and solar project. That hasn't worked out so well because sheep, unless you have a shepherd there, don't take very good care, they wanna wander, do what they want. So this is a good prospect for maybe that working well because we have John right here and you'll watch him. The individual who has the sheep at the dam also has expressed interest and he lives in Grahamsville. So there's people that are
- Michael Kirtack: They're watching.
- Walter: Where they're dumped off and left to tent for themselves. That probably doesn't work. Sometimes it works. Sometimes it doesn't.
- Arthur Rosenshein: Motion for lead agency?
  - MOTION:
  - Bucky Louckes motions for lead agency status. Irv Newmark seconds. All in favor.
- Walter: Could we also get the board to refer the district decommissioning plan that we proposed to the town board for review and for establishing of each missioning security. That's what your code calls for.
- Mollie Messenger: Then you can go to the Town Board.
- Arthur Rosenshein: Motion to send the decommissioning plan to the Town Board.
  - MOTION:
  - Michael Kirtack motions to send the plan to the Town Board. Irv Newmark seconds. All in favor.
- Arthur Rosenshein: The inverter puts out a hum?
- Walter: The inverter puts out a hum. We have lots of sound studies. The inverter is always buried as far from any residence as it can be. The noise created by the inverter will not be detectable to any residence. There's four residents around the

property. The sound of the inverter will not be detectable at any of those residents.

- Arthur Rosenshein: I'm trying to interpret what you wrote. It says 70 decibels. Was that meter? Walter: Yes. Okay. The other good thing about it is the sun doesn't shine at night. So the inverter, and unless we have batteries, doesn't hum at night. There's no proposal.
- Michael Kirtack: At night you have birds though
- Walter: No. We've had lots of eagle studies with projects. We haven't gotten the DEC letter back. I'm sure when we do with the proximity to the Neversink River.
- Irv Newmark: Yes, there's a nest by the river.
- Walter: Yeah, but I don't believe there's any on this property. This isn't the type of trees. This was a field back when Art was young.
- Bucky Louckes: Where's the road coming in? How wide is the road?
- Walter: The gravel access road. I gotta get another sheet. I think it's 24 feet. And the reason for the width of the road is most of the time the firefighting apparatus.
- Bucky Louckes: Right? Well, I'm asking these questions. That chain link all the way along, it'll be an animal exclusion fence, not chain link.
- Walter: Chain link fence. If you've ever noticed it is a diamond shape. So it's made so like a human being. Can't climb it. You can't put your foot on something horizontal, but an animal exclusion fence has vertical wires and the horizontal wires are not connected to it. They're not, well, they're wrapped around it. So when you step on a wire, it goes down. So the idea is to have a fence that like raccoons and bears can't climb. So it won't be chain link. So the idea is not to keep people out. The idea is to keep animals out.
- Bucky Louckes: How close are the panels from that fence?
- Walter: Then the solar panels will be around 20 feet from the fence.
- Bucky Louckes: But can there be an access road going around that
- Walter: It's not really an access road. The access roads actually go between the panels here and you can see 'em on the plan. The reason for the separation of the panel string and in the fence is because if we can't make sheet work, we have to mow it, right? So you mow it with a specialized kind of tractor that has the forward offset. So if it is under the panel you drive down, that would, you'd have to back up to go down the next panel. It's made so there's enough room there. So when you mow under this string, you can turn around and mow under this string going back. So the distance will be enough along the edge of the panel for mowing equipment to spin around and come back and mow the other.
- Paul Lucyk: Now, if a firetruck has to get around, how, how do they get around?
- Walter: A firetruck should never go past. In all likelihood.

- Paul Lucyk: Okay. That's what I wanna know. God forbid there is a grass fire or something like that, that's in that area
- Walter: If there's a grass fire, this road will be accessible to a fire department all the way to here.
- Paul Lucyk: Okay. But what do you have around the perimeter? Is there anything you're gonna have after your fence? It's not gonna be a road, but what can, what can happen with the fire jumping out? If it wasn't inside, would there be a fire break or access?
- Walter: There is no proposed fire break and I've never seen it. Usually, the comment we get is, please don't cut any trees outside the fence because people want them as a visual barrier. So the norm, the normal would be, not that the normal is what we need to do. We'll do whatever the board wants, but the norm would be to clear as small an area as possible. So if you look at the project summary we gave you, this is a 50 odd acre site and this area inside the fence, I believe is around 18.9 acres. So the rest of the site would be left generally undisturbed. Part of the site. This is a stream. This is a wetland. This is a wetland. These are all connected, so we're staying away from those wetlands. There's also a small waterway that runs under the road here and down to here. We're staying a hundred feet off of that. We're not sure we have to, but we are because it fits so wide. So outside of the fence we would generally not be doing anything to be leaving the crew and screening.
- Arthur Rosenshein: We'll have to see what they could take.
- Walter: Yeah, I mean there's some open fields stuff there. There's some open areas in this area here. And if there is a need, we can look at that. If you want us to, we could plant some screening there.
- Arthur Rosenshein: We'll look into that.
- Walter: The last sheet that you have with the project submission is a proposed landscaping plan. But depending on where this ends up, this is conceptual. If it ships around a little the landscaping plan at this point is also a concept.
- Arthur Rosenshein: Yes will be looking at that.
- Walter: Yeah, that's totally understandable.
- Arthur Rosenshein: With that, good night.