

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 1

The Regular Monthly Meeting was called to order at 7:00 p.m. by Chair Rob Van Etten followed by the Pledge of Allegiance. Other Board Members in attendance were Ann Marie Vadney, Jean Horn, Bob Court, Pat Bruno, Bill Boehlke and Lee Salisbury.

**Lands of Mary Jane Vinci, Carol Ann Young, William Costanza
and Marie Engasser – Minor Subdivision Application**

Present on behalf of the Costanza family was neighbor and authorized representative John Cashin. Minor Subdivision Application, Short EAF and copy of deed had been received prior to the meeting. Agent Authorization Forms, signed but not notarized, are also in file.. The notarized copies will be forthcoming. \$60. application fee paid this night. Sketch plan was laid out.

The Costanza family wishes to subdivide their 11.2 acre parcel at 1155 State Route 144 into two parcels with Lot #1 being 2+/- acres and Lot #2 being 9.2+/- acres. Lot #2 will be merged with lands currently owned by John Cashin and Susan O'Rorke. The merger will put the Cashin/O'Rorke barn well within the boundaries of the property, where previously it was right on the boundary. Question was raised regarding the Costanza easement and right-of-way appearing on sketch presented as Parcel IV. This would be merged into the Cashin/O'Rorke property upon merger of the 9.2 acres and not needed to access the property in the rear since it will now be owned by Cashin/O'Rorke.

Required Public Hearing was scheduled for 7:00 p.m., January 10, 2019. Mr. Cashin was provided with the blue sheet explaining certified letter process and list of property owners to be notified.

Lands of Clifton Park Materials Group, Inc.- Minor Subdivision Application

Present on behalf of the applicant was Attorney Michael Biscone. Minor Subdivision Application, Short EAF, copy of deed and \$60.application fee had been presented prior to the meeting. Mr. Biscone presented for file completed Agents' Authorization Form from Clifton Park Materials and advised that he is also the Attorney for the Village of Ravena

Mr. Biscone advised the Board that the Village of Ravena owns the sand pit adjacent to Clifton Park Materials Group, Inc. sand pit off New Baltimore Road near the railroad track and the little Central Hudson power sub-station accessed by dirt roads. Applicant received letter from DEC advising that someone was mining too much dirt, that they didn't believe it was Clifton Park Materials but rather the Village of Ravena, which it had been. In order for DEC's letter to be satisfied, they have suggested a boundary line change.

Mr. Biscone further advised that he was not going to go into what the Town's rules are on a Boundary line change or what they are not. In any event, the Town has particular rules and he has been provided with them. He had met with the Town Attorney and he wanted to do, quite frankly, what is called a unity resolution; but he was told after a Town Board Meeting, that you all preferred that I come here tonight and explain just what I am doing here and that is fine. Application and map have been submitted from Charles Hite showing the 1.22 acres that the Village of Ravena is purchasing from Mr. Valente; and then it will be joined to the Village of Ravena deed. No new lot of any nature is being created here. Mr. Biscone went on to say that in his opinion it was not a subdivision but he did not have the Chapter 114 that the Clerk sent to me in front of him. There will be absolutely no change and you should know that your Town uses this sand pit through courtesy of interagency agreement. He questioned how the Board wished to proceed and again pointed out this is something we have to do because of DEC.

It was clarified that this Village of Ravena sandpit property is not right on the Town line and that the Village of Ravena owns various parcels in the Town, including over by the old Dean's Mill, by the Hannacroix Creek, the water source. On some, the village has easements, on others outright fee ownership. In this case, Ravena will be buying the 1.22 acres from Valente/Clifton Park Materials Group and joining it with the 2.87 already owned. As further clarification and history, the Clifton Park Materials property was Ron Gosse's at one time. There was the big billboard there at one time. Joe Lechner was another property owner. Flach purchased both Lechner and Gosse and then sold it to Mr. Valente.

Mr. Boehlke pointed out you are applying for a subdivision and questioned what is the advantage of doing a subdivision as opposed to a property line adjustment? Mr. Biscone responded that he did not want to do either; he was doing what he was asked to do. I sent this down to your Town Attorney and he said, look you are a municipality. We are going to give you a waiver of unity so you don't need to do anything. Mr. Boehlke pointed out all I am saying is you need an exception to go under two acres.

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 2

Mr. Van Etten pointed out that they are not creating an under two-acre parcel to which Mr. Biscione responded I don't need a Variance. Ms. Vadney clarified he is cleaning up, he is combining 2.87 and 1.22 acres.

Mr. Boehlke continued but a subdivision creates a separate lot. This is not a separate lot. This is a property line movement. Mr. Van Etten pointed out but he is taking it off of one parcel. Mr. Biscione then questioned how do you work it down here? If you quantify this as a boundary line adjustment, what do you say you need; just for me to come tonight? It was explained to Mr. Biscione that it would be a different application, the new deeds and different wording on the map. Mr. Boehlke again pointed out if you do a subdivision, you are creating a separate parcel which you don't want to do. Mr. Biscione responded that I agree with you but I am doing what I was asked to do by Tal Rappleyea. I am not saying what I am doing is correct. Mr. Boehlke continued you may want to check it out. It may be better advice for him to do it as the property line movement.

Mr. Biscione then questioned and if we quantify it as that, what do you need other than the notification? Mr. Van Etten pointed out this may be the easiest way for him to go at this point. He is dividing it off a parcel. Question was then raised by Ms. Vadney as to which parcel it was coming off of. Mr. Biscione responded right there, where your hand is. She then questioned what parcel is that and how big is it? It was noted the parcel is 48 acres. Mr. Boehlke further pointed out the bottom line is he is creating a subdivision, a lot. Ms. Vadney explained he is doing two things. Well, if you look at the 48 acres—he is just showing the 1.22.

He is subdividing the 48 acres, taking 1.22 acres off of it and adding it to this parcel. Mr. Boehlke continued that what he was saying was that the vehicle he is using to do that is not really the right vehicle to use. He should not be using the subdivision process to achieve that. What he really is doing is moving the boundary line. Mr. Van Etten felt it was now getting down to a little bit of splitting hairs. Ms. Horn pointed out then it would be two things; he would have to first divide it and then move the line.

Ms. Vadney pointed out we just had one of these last month. He is subdividing and adding it on to this other parcel. Mr. Boehlke pointed out with a subdivision, you are not merging property. You are separating property. The separation then stays permanent because it has been “sub”divided. He doesn't want the 1.22 acres separated from the other parcel. He wants them combined. Ms. Vadney continued that he is changing two parcels, the 48-acre parcel and the 2.87-acre parcel.

Mr. Biscione responded let me tell you legally what your Code reads and here is where the rub is:

Chapter 114 allows you to do this one of two ways: by an altered lot line or by a boundary line adjustment. The reason I have been told this is not a boundary line adjustment is because your definition says:

A change in the boundary of two adjoining lots which is utilized to correct an error in the deed or to fulfill a shared desire of the property owners involving where no more than one acre will be conveyed.

Because this is more than the one acre, under your definitions, this is not a boundary line adjustment. Mr. Boehlke responded it would be a lot line adjustment, right? Mr. Biscione responded that you do not have such a thing. He was told yes, we do and Mr. Biscione questioned what Code that was. It was then noted it is called an “altered lot line adjustment” and Mr. Biscione advised that is a doozy and he then proceeded to read that definition for the Board:

The process where one owner of a parcel conveys a portion of his land to the adjacent land owner, merely for increasing the size of the neighbor's lot (That is me.) or to accommodate a natural feature, (That is also me, the sand pit.), without creating a new lot is called “an altered lot line”. This lot line law shall not be applicable where any lot affected by the proposed new lot line creates a new subdividable parcel and the applicant must in that case submit a full Minor Subdivision Application.

Mr. Biscione continued now if we are coming here tonight for a definition that I am not under the “however”. Listen to what you are saying here in your law,

“This lot line law is not applicable for any lot affected by the proposed new lot line creates a new subdividable parcel and the applicant must in that case do a subdivision.

Mr. Biscione emphasized that it was his position that this is not a subdividable parcel. So all I am coming here for is information. Mr. Boehlke pointed out that it certainly isn't subdividable, it is only 1.22 and

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 3

Mr. Van Etten added it is not going to make that a separate lot. Mr. Boehlke continued that all he was pointing out was that you do not use a subdivision process to accomplish that. Mr. Biscone questioned then what would you use, just a bit of information to the Planning Board? Mr. Boehlke responded I know it is not a subdivision and Mr. Biscone responded that he agreed with that. I actually wrote you a letter; there is your letter, it was in September guys.

Mr. Boehlke continued here is the problem, Rob. I exactly understand what is trying to be accomplished here and it is good. The problem is you start setting precedents; you are making exceptions without going through the exception clause. All I am saying is you want to be careful. The subdivision process is not really designed to accomplish this. If you use it for that, it might set a precedent you really don't want to open us up to.

Mr. Biscone responded I could not agree with you more and I wrote you a letter which you picked it up at the office when you got back from vacation. Mr. Van Etten responded, yes. Mr. Biscone continued it was September 29 saying that I don't believe this is a subdivision but I want to put the Board on notice of what we are doing to comply with what exactly he is saying. Then I got a phone call, saying, Mike, you have to do this. Who was the phone call from, your counsel. That is why I did it. I completely agree with what Mr. Boehlke has just said. That was my position in the letter to you that you got in my office. If that is what we can all agree on tonight, please consider yourself informed and I will go home with my cold.

Mr. Biscone then questioned, remember the letter? Mr. Van Etten responded yes, yes, okay. I kind of thought we should go with Tal's suggestion but...Mr. Biscone continued you guys do whatever you want. You have a tough Code here. Mr. Biscone offered to re-cite the definition. Ms. Vadney responded that we know what the definition says but she was also concerned about what the Board had done in the last couple of months with the other people so we want consistency. Mr. Biscone questioned what the Board did. They were subdivided and there was one which was both subdivided and a lot line adjustment. It was clarified it was subdivided, with the map so noted, that it was the intent to be merged.

Mr. Biscone pointed out you have to read your definition, guys. If you are doing that, it is not an altered lot line. Whatever you all want is fine with me. I am telling you he is right and that is when I wrote that letter to you that I read this and that is my position; but if you want, you have it there, I paid the fee, I don't care. If you wish to hold the Public Hearing, I will appear by telephone. No one will show up. Mr. Van Etten advised that was Tal's suggestion also that you do a minor subdivision. Mr. Biscone responded Tal said that, yes; that is why. That is the only reason I filed this is because I was requested by your counsel to do that. You are correct. I am not going to disagree with him. He is reading it right. That is the way I read it.

Mr. Biscone emphasized you have a very funny worded Code and I have to tell you guys that it is unique. It is unique to this municipality. Mr. Boehlke commented I agree with your Mike. This is a common thing for any Board to deal with, a simple lot line adjustment which is turned into something very complicated. Mr. Biscone continued that his position is in the letter, which is in the file, which I can't find at the moment. Ms. Vadney pointed out that she felt the subdivision is easier to get done than the lot line adjustment if you read and we have been doing this with the subdivision when we had a couple in the past two or three months so I think for consistency purposes.

Mr. Court pointed out but this is under the acreage. Ms. Vadney explained this is for a lot line adjustment; it has to be a certain amount. This is subdivision, it is adjoining that, correct? Mr. Biscone responded if this was less than one acre, I would not be here tonight. It was further noted the .22 is the dichotomy in your Code. The 1.22 acres is to be added to another parcel; not left as a stand-alone parcel for which the applicant would have to go the Zoning Board of Appeals because of size.

Based on the fact that your Town's lawyer seemed to think this was the route to go, that is why I was following doing that. Question was raised are we all in agreement to go that route? It was noted that is the way a couple have been handled in recent months. Mr. Boehlke emphasized we need to change that, referring to the Code. Ms. Vadney responded that it is not what we intended it to be. Mr. Boehlke continued that it should not be this complicated to do something like this. Mr. Van Etten added the subdivision takes the complication out of it. We declare it a minor subdivision; we have a public hearing and it is done.

It was decided to move forward as though a minor subdivision. The SEQRA Form would be gone over the night of the Public Hearing. Question was raised as to what DEC's problem was, was it that too much dirt had been taken out? Mr. Biscone explained yes, when you combine what we took on that one acre

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 4

plus what Valente takes, you needed a mining permit and that is a whole new ball of wax. Mr. Valente doesn't need a mining permit because he doesn't actually take that much. The Village of Ravena actually takes more than he does; but when you combine the whole thing into one ball of dough.

It was moved by Vadney and seconded by Court that the proposed parcel containing 1.22 acres of land to be conveyed by Clifton Park Materials, LCC to the Village of Ravena and attached to the 2.87 acre parcel currently owned by Village of Ravena be implemented by means of a minor subdivision.

AYES: Van Etten, Vadney, Horn, Court; Bruno, Boehlke, Salisbury

NAYS: None

ABSTAINED: None

ABSENT: None

Mr. Boehlke questioned is it possible to put a provision in stating that we acknowledge that this is not really the proper vehicle to use to achieve this or that we are going to go before the [Town] Board and start the process to change? Mr. Biscone responded that you should do that as a caveat in your minutes. Mr. Van Etten added that is something you have to bring the Town Board in on since they are the ones. Mr. Boehlke continued he would go with this if we go with the other, if we actively work to change it. Ms. Vadney added that she concurred.

Returning to the application at hand, Mr. Court pointed out that it needed to be shown on the map with a "Z" the two parcels that are to be merged. There should further be indication of the parcel, the 1.22 acres, where it is coming from and a locator box needed to be added to the map. For final maps, there should be a mylar and five paper copies.

Question was raised regarding how the parcel is accessed. Mr. Biscone advised it is accessed through Clifton Park Materials property and the Village has an easement. Ravena's Department of Public Works Village Foreman, Henry Traver, added we actually own all the way out to New Baltimore Road. He came forward and pointed out on map where they gain access to their parcel right at the Lands of Central Hudson. The access road will be better delineated by the surveyor on the final maps.

Public Hearing was scheduled for 7:15, January 10. Mr. Biscone was provided with the certified letter instructions (blue sheet) and list of surrounding property owners to be notified. Mr. Biscone will be out of Town but will be available by phone if needed at time of Public Hearing.

County of Greene

Mr. Biscone reminded the Board that he represented Mrs. Runkle when Greene County purchased a piece of her property [off of High Rock Road]. There was supposed to have been a subdivision done. Ed Kaplan, who was the County Attorney, got a waiver of unity. The Town Board allowed, with your consent, to give that to Greene County. It actually was markedly differently than this because that created a free-standing 100x100' undersized lot.

Chapter 114 – Altered Lot Lines and Boundary Line Adjustments

Conversation returned to Chapter 114 and Ms. Vadney questioned do we want the record to reflect that we want the Chapter modified? Mr. Boehlke felt that the Board should review the Chapter first and then suggested changes/modifications should be sent to the Town Board. Ms. Vadney responded that the Board had done that once prior to Mr. Boehlke being on the Board and that she probably still had the material from then.

Mr. Van Etten explained the Lot Line Adjustment Law was a fairly new law and was taken from templates from other Towns. Ms. Vadney further explained an analysis was done. Everyone on the Planning Board at that time gave input which was sent to the Town Board but none of the Planning Board recommendations were incorporated. She continued I am thinking at this point we don't want it; it seems to be more of a problem. I think this should be in the record and that we should proceed to the Town Board formally with that recommendation. Mr. Boehlke again pointed out subdivision does not leave you with what you really want because you are creating separate parcels and then you have to go through a process to state that it is not.

Mr. Vadney continued that she thought the Board has to decide what it wants to do because it is consistently running into the same type of situation. We have had three or four in the past few months. In some of the instances, the Board could have required a subdivision and then made them come back and

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 5

do the altered lot line process. The Board will further discuss at a later date.

Solar Generation Projects, LLC
Solar Generation Oriole Project – Site Plan/Special Use Permit Application

Site Plan/Special Use Permit Application, Site Plan material and \$500 Application Fee was provided prior to meeting. Copy of Bargain and Sale Deed for the purchase of property on December 4 from Maxwell Horowitz was provided during meeting.

Present from Solar Generation were Zachery Schrowang, Sam Wilkinson and Paul McMenemy. They had been before the Board in August for an initial discussion of their proposed plans. They have since closed on the property. Application has been submitted and they were present this evening to answer questions off the application and to begin the process. Proposed project location on 23.57 acre parcel east of Route 9W, north of Rte. 144, to be accessed by what is called cell tower road.

Question was raised regarding where they were in their process. The Board was advised that the Site Plan/Special Use Permit application had been submitted to the Planning Board Clerk. They had put a phone call in to the Town's attorney. It was pointed out that a written letter of intent was most likely needed to be done. Supervisor Ruso was present in audience, was asked if he had heard anything and responded that he had not. Mr. Van Etten continued the Town Attorney would then be in touch with the Town Board. He questioned if a PILOT agreement was going to be pursued and was informed this Project is too small. Question was then raised as to whether they still needed to file a Notice of Intent with the Town Attorney if no PILOT was going to be pursued. Mr. Van Etten responded that he believed as he understood the process, they would still need to do so. It was then noted it was believed not to be necessary if no PILOT involved and not needed for just the project in general. Chair will check with Town Attorney to see if letter is necessary.

Mr. Van Etten advised that the Board would have to go through the Long Form SEQR and submit to DEC for their comment. He then questioned if they would be doing a Stormwater Plan and was advised that they would be. They had not yet started, would be getting a surveyor to the site in the near future. Acreage to be cleared would be about three and a half acres. Question was raised if that would be the footprint or the total acreage. Response was that would be the total acreage cleared.

The buffer will be as discussed last time. Footprint is not yet staked out. Purchase just completed last week. The solar array as pointed out in plan submitted will be just a little closer to the cellphone tower road, a little bit tighter actually, two or three of the lines as pointed out closer. There will be a road in to provide access for fire trucks, etc. Mr. Van Etten raised the question of whether the Board would want to do a site visit in this instance.

Ms. Vadney questioned if all the authority on this project lies here with the Planning Board. Mr. Van Etten responded that the Planning Board would be the lead agency. She further questioned before we can do any kind of approval process here we need to know what is going on with the SWPPP, do we not? It was clarified it is not the first thing but it has to be part of the Planning process and the Board would like to see it before any final approval. The Board needs to go through the Long Form, submit it to DEC and then they have 30 days to look it over and to respond. Ms. Vadney pointed out she was raising the questions because on another project final approval had to be held up awaiting the SWPPP approval. She didn't want to see that happen with this application. A DEC response would not be back by the February Board Meeting and the applicant has to have time to get the SWPPP application process started with their engineer. The Board does not have to be at approval point before completing the SEQR Form. That should actually be completed prior to submitting the 239 Form.

Question arose as to whether this needed to go to the Zoning Board since it is a utility project; it is, not a minor solar project. The Clerk pointed out there are two sections in that legislation, one is for residential, the other is for utility. Mr. Boehlke pointed out there is an expedited plan for units under 12,000 kilowatts; after that it is a utility. It falls under Articles 5, 6 and 7. Something we should look at in the meantime.

In the meantime, let's get the ball rolling. Mr. Van Etten pointed out by doing this, we are establishing ourselves as the Lead Agency. Board members were in agreement that they should move forward and go through the SEQR Form at this meeting.

Returning to the PILOT, County Legislator Pat Linger, also the Town ZBA Chair, advised that it was his understanding under Section 487, Real Property Tax Service Law, the notification of intent to put in a

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 6

commercial solar system as opposed to residential system is required by all companies so doing. It is not the company's responsibility to request a PILOT for the solar project; but rather it is the municipality that determines if they will require a PILOT and makes the request for the PILOT. Therefore, the letter of intent to put in a system does need to go to the Town Attorney. Applicant advised per their guidance and their system being under one megawatt, there wasn't the need but they would be happy to submit the notice letter.

The Board proceeded to go through the Full Environmental Assessment Form, beginning with Part 1 as follows:

A. Project and Sponsor Information

Name of Action or Project: **Solar Generation Oriole**

Project Location: **U.S. 9W, Hannacroix**

Brief Description of Proposed Action (include purpose or need): **Installation of a 750kW solar array, in compliance with NYSERDA Community Solar Array Program**

Name of Applicant/Sponsor: **Solar Generation Projects**

Address: **747 Rt. 28, Suite 4, Kingston, NY**

Project Contact: **Sam Wilkinson**

Address: **Same as above**

Property Owner: **Same as above**

B. Government Approvals

It was noted that this project would be government funded.

B. Government Entity:

- a. City, Council, Town Board or Village Board of Trustees: **NO**
- b. City, Town or Village Planning Board of Commission: **YES, Town**

Question had been answered "No" but Planning Board Approval would be needed as well as a Building Permit. Answer changed and initialed.

- c. City Council, Town or Village Zoning Board of Appeals: **NO**
- d. Other local agencies: **No**
- e. County agencies: **YES – Greene County Planning Board; 239 Referral sent by Town**

Question had been answered "No". It was changed to YES and initialed."

- f. Regional agencies: **NO**
- g. State agencies: **YES, Town puts DEC on notice**

Question had been answered "No"; Changed to YES and initialed. Further noted they have to go to DEC for SWPPP approval. DOT is not involved since they already have access in and out.

h. Federal agencies: NO

- i. Coastal Resources.
 - i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? - **NO**
 - ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? - **NO**
 - iii. Is the project site within a Coastal Erosion Hazard Area? - **NO**

C. Planning and Zoning

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 7

C.1 Planning and Zoning Actions

Will administrative or legislative adoption or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? -
YES

C.2 Adopted Land Use Plans

a. Do any municipally adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? – YES

If YES, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? – NO

It was noted that it is zoned for that use so therefore that would be a NO.

b. Is the site of the proposed action within any local or regional special planning district? (For example: Greenway Brownfield Opportunity (BOA); designated State or Federal heritage area; watershed management plan; or other?) - NO

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan or an adopted municipal farmland protection plan? - NO

C.3 Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? – YES

Answer was changed to YES and initialed.

If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? - YES

c. Is a zoning change requested as part of the proposed action? - NO

C.4 Existing Community Services

*a. In what school district is the project site located? **RCS School District***

Answer changed from Cocksackie-Athens.

*b. What police or other public protection forces serve the project site? – **Greene County Sheriffs and State Police***

Answer was changed from “New Baltimore” to that shown above.

*c. Which fire protection and emergency medical services serve the project site? - **New Baltimore Ambulance I, New Baltimore Fire***

d. What parks serve the project site? – N/A

D. Project Details

D.1. Proposed and Potential Development

*a. What is the general nature of the proposed action? **Commercial***

*b. a. Total acreage of the site of the proposed action? - **<5 acres***

*b. Total acreage to be physically disturbed? - **<5 acres***

*c. Total acreage owned or controlled by the applicant or project sponsor? – **67.057 acres***

*c. Is the proposed action an expansion of an existing project or use. - **NO***

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 8

d. Is the proposed action a subdivision, or does it include a subdivision – **NO**

e. Will proposed action be constructed in multiple phases? – **NO**

i. If No, anticipated period of construction: **4 months**

f. Does the project include new residential uses? - **NO**

g. Does the proposed action include new non-residential construction? – **Yes**

Ms Vadney commented that she thought the answer to G. should be changed from No to Yes. She was interpreting “non-residential construction” to mean “structures” ZBA Chair Linger advised that the ZBA considered anything creating a shadow as a structure.

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? - **NO**

D.2 Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operation, or both? – **YES**

Answer changed from “No” to “Yes” since there will be some excavation.

Ms. Vadney commented that she had been inquiring regarding what is in solar panels. She felt it was information that the Board should have. She was advised that it was basically metal and glass.

If Yes:

i. What is the purpose of the excavation or dredging? **Boring holes for posts.**

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? **None**

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. - **Not Removing any**

iv. Will there be on site dewatering or processing of excavated materials? **NO**

v. What is the total area to be dredged or excavated? - **Three and a half acres.**

vi. What is the maximum area to be worked at any one time? **Three and a half acres**

vii. What would be the maximum depth of excavation or dredging? – **Four to six feet.**

viii. Will the excavation require blasting? - **NO**

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? - **NO**

c. Will the proposed action use, or create a new demand for water? - **NO**

d. Will the proposed action generate liquid wastes? - **NO**

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? - **NO**

.It was noted that it will disturb water so we will have to change that from “No” to “Yes”

If Yes:

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 9

i. How much impervious surface will the project create in relation to total size of project parcel? - **Zero**

It was noted that they will not be creating any impervious surface such as asphalt. Question was answered zero. Mr. Boehlke questioned you are not doing any general excavation but rather just drilling support holes and those type of things? He was advised just holes. Mr. Boehlke further questioned so is e. really “yes”. Ms. Vadney pointed out but we have more than five acres. Mr. Van Etten clarified “will the proposed action disturb more than one acre”. They are clearing it. Applicants indicated that they would be clearing it.

iii. *Where will the stormwater run-off be directed?*

iv. *Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?* - **NO**

Mr. Van Etten commented I don’t think they will be creating any stormwater run-off. Ms. Vadney pointed out still with the acreage that is why they would need the permit. We can’t answer that. I think that would be incorporated into the Permit process that they would be doing with DEC.

...*Will Stormwater runoff flow to adjacent properties?* - **NO**

f. *Does the proposed action include, or will it use on-site one or more sources of air emission, including fuel combustion, waste incineration, or other processes or operations?* - **NO**

g. *Will any air emission sources named in D.2.f (above require a NY State Air Registration, Air Facility Permit or Federal Clean Air Act Title IV or Title V Permit? (Not answered)*

h. *Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities* - **NO**

i. *Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?* - **NO**

j. *Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?* - **NO**

k. *Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?* - **NO**

Ms. Vadney pointed out it will create new energy. It was noted the key word in the question is “demand”.

m. *Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation or both?* – **YES**

It was noted that it would be equipment running during construction and vehicular noise.

n. *Will the proposed action have outdoor lighting?* - **NO**

o. *Does the proposed action have the potential to produce odors for more than one hour per day* - **NO**

p. *Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?* - **NO**

q. *Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e. herbicides, insecticides) during construction or operation?* –

Mr. Boehlke questioned how do you do vegetation control? Applicant advised they have a detailed handout if the Board would like it. The basic gist is that they will be working on getting wildflowers and sort of like a pasture of grasses and flowers. Until they get that, they will just mow and keep sowing. They are overcast seeds so they will mow very low and broadcast those. They are partnering with

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 10

Cornell, the Extension Service down in Kingston. They will be helping us to monitor the soil health [Rest of comment not understood.].

- r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? - **NO**
- s. Does the proposed action include construction or modification of a solid waste management facility? - **NO**
- t. Will proposed action at the site involve the commercial generation, treatment, storage or disposal of hazardous waste? – **NO**

E. Site and Setting of Proposed Action

E.1 Land uses on and surrounding the project site.

a. Existing land uses.- **Forested, commercial**

i. Check all uses that occur on, adjoining and near the project site.

b. Land uses and cover types on the project site.

Roads, buildings and other paved or impervious surfaces – **Acreage After Project Completion <1**
Change: (Acres <1)

Forested: **Current Acreage: 23.57; Acreage After Project Completion 18.57; Change -5**

Ms. Vadney questioned if the area where project is going is currently forested? She was advised that it was. She further questioned then you will be cutting all those trees down? It was noted not the entire 23 acres, just the five acres.

- c. Is the project site presently used by members of the community for public recreation? - **NO**
- d. Are there any facilities serving children, the elderly, people with disabilities (e.g. schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? - **NO**
- e. Does this project site contain an existing dam? -**NO**
- f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? -- **NO**
- g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? – **NO**
- h. Potential contamination history. Has there been a reported spill at the proposed project site or have any remedial actions been conducted at or adjacent to the proposed site? - **NO**

E.2 Natural Resources On or Near Project Site

- a. What is the average depth to bedrock on the project site? – **Variable**
- b. Are there bedrock outcroppings on the project site? - **YES**
- c. Predominant soil type(s) present on project site. – **NrC 80%; NrD 20%**
- d. What is the average depth to the water table on the project site? **N/A**
- e. Drainage status of project site soils – **Cannot Answer**
- f. Approximate proportion of proposed action site with slopes:

Ms. Vadney questioned don't we have a drawing? Answer was no; Mr. Van Etten commented then we can't put an honest answer there. We do not have a topographical map.

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 11

g. Are there any unique geologic features on the project site? - **NO**

h. Surface water features.

i. Does any portion of the project site contain wetlands or other water bodies (including streams, rivers, ponds or lakes)? – **NO**

Not any wetlands there at all; it is all high rocks.

ii. Do any wetlands or other water bodies adjoin the project site? - **NO**

iii. Are any of the wetlands or water bodies within or adjoining the project site regulated by any federal, state or local agency? **NO**

j. Is the project site in the 100-year Floodplain? - **NO**

k. Is the project site in the 500-year Floodplain? - **NO**

l. Is the project site located over, or immediately adjoining a primary, principal or sole source aquifer? - **NO**

n. Does the project site contain a designated significant natural community? – **NO**

Mr. Van Etten questioned what would that be? Applicant responded not to the best of their knowledge. That would be like a rare bat. Ms. Vadney commented the DEC website would show you if it did. It was again pointed out that this would be going to DEC.

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? – **NO**

There again this is going to DEC so will be noted if so.

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? - **NO**

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? - **NO**

It was noted possibly hunting and then pointed out it is pretty close to 9W.

E.3 Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? - **NO**

b. Are agricultural lands consisting of highly productive soils present? - **NO**

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? - **NO**

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? - **NO**

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? - **NO**

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? - **NO**

g. Have additional archaeological or historic sites (s) or resources been identified on the project site? - **NO**

h. Is the project site within five miles of any officially designated and publicly accessible federal,

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 12

state or local scenic or aesthetic resource? - NO

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? - NO

Part II

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. – YES

- a. The proposed action may involve construction on land where depth to water table is less than three feet.- NO*
- b. The proposed action may involve construction on slopes of 15% or greater. NO*
- c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.- NO*
- d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.- NO*
- e. The proposed action may involve construction that continues for more than one year or in multiple phases. - NO*
- f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). - NO*
- g. The proposed action is, or may be, located within a Coastal Erosion hazard area.*
- h. Other Impacts:*

It was noted that at this point, it really is not known how to answer these questions under this #1 until the SWPPP is completed and copy received. .

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site.(e.g., cliffs, dunes, minerals, fossils, caves) – NO

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g. streams, rivers, ponds or lakes) – NO

4. Impact on Groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. – NO

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. - NO

6. Impacts on Air

The proposed action may include a state regulated air emission source. – NO

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. – NO

While five acres will be disturbed which would indicate some impact, they are making it pasture so it will be growing back.

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. – NO

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 13

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. – NO

Question is being answered “no” since the actual project location will not be visible to the general public.

10. Impact on Historic and Archaeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource.- NO

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. - NO

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA).- NO

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.- NO

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.- NO

15. Impact on Noise, Odor and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. - NO

Only noise will be during construction.

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.- NO

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.- NO

Our land use plan for that area is zoned Commercial so it is consistent with our land use plan.

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. – NO

The Board had no further questions at this point. A letter will be sent to DEC advising that the Planning Board plans to take Lead Agency. Copy of this EAF will be sent to them for any comments they may have. The applicant was advised to follow through with the Letter of Intent.

Public Comment

Town resident Ellie Alfeld questioned how they would be accessing the property? Mr. Van Etten responded that they would be putting a road north from the cell tower road. She further questioned if there would be an impact of a lot more traffic going in, tractor trailers, etc. It was not felt that there would be any traffic impact once the solar project is completed. .

Minutes – None available for approval.

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
December 13, 2018 – Page 14

Immediately following meeting adjournment, required Workplace Violence and Sexual Harassment training will be held for the Planning Board Members and now present he Zoning Board of Appeals members.

Adjournment

At 8:42 p.m., it was moved by Vadney and seconded by Boehlke to adjourn the meeting.

Ayes: 7 Nays: 0 Abstained: 0 Absent: 0

Respectfully Submitted
Marjorie B. Loux
Clerk