

**MINUTES OF THE PLANNING BOARD MEETING
TOWN OF RICHLAND
1 BRIDGE STREET, PULASKI, NY 13142**

DATE: Monday, September 18, 2023

PLACE: H Douglas Barclay Courthouse

PLANNING BOARD MEMBERS PRESENT: Joe McGrath, Brian Leary, Tom King, Dave Scott, and Alternate Robert Jeffery

OTHERS IN ATTENDANCE: John Howland, Gordon Woodcock, Joseph Hens, Doug Haynes, Sara Barclay, Jack and Pat Podrazil, Charlie Trust, Matthew Hassig, Joyce and Jim Deacons, Mike and Geraldine Dashnaw, and John and Jana Weiland

CALL TO ORDER: The meeting was called to order at 7:01 p.m. with Chairman McGrath leading in the Pledge of Allegiance.

Chairman McGrath stated the Selkirk project has been postponed to the October meeting, the owners of the Selkirk project have withdrawn their application for a restaurant tavern. They have now asked for approval of an amended site plan to allow them to keep the enclosed, open pavilion, from the original application. Sara Barclay expressed her frustration with the postponement of the meeting and feels it should be postponed to June when the seasonal residents return in the Spring so they can have a say. Chairman McGrath said that we will discuss it with the Town Attorney to see if it is legal to do.

SITE PLAN APPLICATION:

Application 23-34 and 23-35. Special permit and site plan application submitted by Marat Galstyan/Pivot Solar for the construction of a 3.5 MW commercial solar farm located at 4347 US Route 11. Old Trust Nursery. Joe Hens from Ingalls and Associates and Gordon Woodcock from Pivot Energy explained the details and site plan for the proposed project. It will be a 3.5 MW commercial solar farm with tracker panels. It has been sent to the ACOE and is awaiting final approval, they anticipate no issues. They plan to manage the site vegetation with grazers, generally sheep are used. ***A motion was made by Scott and seconded by Leary to open the public hearing at 7:15 p.m. All members were in favor with a vote of "AYE."***

Jana Weiland-concerned with the wetland impact and overflow to neighboring properties. Who is responsible if there is a negative impact?

Joe Hens explains that they would be responsible. A stormwater pollution prevention plan has been prepared and submitted to the Town. They are required to perform a pre-analysis of drainage conditions on the site. Based on that analysis, there is no runoff increase. They are proposing a new culvert on the road. They will bring the drainage issues to the attention of the State while working with them to obtain the permit.

Mike Dashnaw-asked the reasoning for choosing the area they did for the access road. Can they move the eyesore of the poles and transformers to the other side of the property so they don't have to look at it and the owners can?

Geraldine Dashnaw-currently has standing water and the State won't help them.

Joe Hens-can propose new grading when talking to the state to solve their issues.

Charlie Trust-also questioned the location of the access road.

Gordon Woodcock-this is the most direct route that was approved by the utility company.

Jana Weiland-large Amish community and is concerned with the visibility, large utility vehicles, and accidents. Has there been a traffic study?

Joe McGrath-once this is built, you will not see large trucks or utility vehicles there.

Robert Jeffery-confirmed that the access road will be gravel and mentioned the snowmobile trail access that currently exists.

Joe McGrath-asked Pivot if they could move the poles to be less intrusive to the homeowners.

Gordon Woodcock-the 7 poles can be moved back 100'.

Doug Haynes-agrees with the Dashnaws, why can't they put the panels back towards their cabins so the neighbors don't have to look at them? There has to be a better place.

Gordon Woodcock-we can move the poles back to address the visibility concern. Can take it to the owners and see about the relocation of the panels.

Matthew Hassig-area is wet as it is and is concerned with the drainage issues. There is no treeline bordering his property. He would like to have the same trees that Mr. Trust is getting, for a visual barrier.

Gordon Woodcock-can install a line of spruce.

Doug Haynes-how is a property with solar taxed? Can the Planning Board turn it down based on its life expectancy?

Joe McGrath-the state of NY has allowed all solar farms to apply for a pilot program with the Economic Development Corporation. It is not tax free, but is a graduated increase in taxes.

Jana Weiland-works from home and wonders about the hours of operation and the noise during construction.

Gordon Woodcock-construction hours would be Monday-Friday from 8 am to 5 pm. The loudest timeframe will be when the posts are being driven and will last 2 to 4 weeks. The entire construction timeline is approximately 4 to 6 months.

John Howland-this solar farm will not have battery storage.

Mike Dashnaw-is there another site like this nearby so they can see what it will look like.

Doug Haynes-concerned with the value of Charlie Trusts house decreasing due to the unsightly panels. Will his house still be assessed the same? There is no benefit of this project to him.

Joe McGrath-would like to make sure that Charlie is taken care of and there are enough trees.

Gordon Woodcock-the site will have agricultural fencing, wood and woven wire for visual barrier.

Joe McGrath-confirmed all agreements with Mr. Woodcock. They agree to move the pole array 100' down the road, work with Charlie and put whatever trees will work for him, and to place them on Matt Hassig's line as well, they will maintain the wooden fence, grass will be maintained by grazing. He would like to place a condition that the owners remove the unsightly greenhouses or clean them up to make them usable again.

Jim Deacons asked if they could obtain a phone number to contact someone in the event of any issues a neighbor may see or have. Mr. Woodcock will provide them with his number.

A motion was made by Scott and seconded by King to close the public hearing at 8:05 pm. All members were in favor with a vote of "AYE." A motion was made by Leary and seconded by King to declare application 23-34 and 23-35 negative declarations and authorize the chairman to sign as such. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; King; yes; Jeffery, yes; McGrath, yes. McGrath states that the board will vote on the special permit tonight but will hold off on the site plan until next month to allow time for them to work on some of the changes that were discussed and come back with a cleaned up site plan.

Conditions for approval: National Grid poles moved back 100' West of US Route 11, plant 100' of trees 15' apart on the West side, existing greenhouses be repaired or removed prior to issuance of building permit, fenceline on south side be moved North to accommodate snowmobile trail, submit letter at completion stating that the project is in compliance with the Town of Richland's solar law currently in place..

A motion was made by Leary and seconded by Jeffery to approve special permit application 23-34 per the conditions that have been written. In a roll call vote, members voted as follows: McGrath, yes, after reviewing section 313 standards applicable to all special uses, he feels that the board has a clear indication that this special permit meets all of the standards of 313; Leary, yes, I agree that it meets the standards of section 313;

Scott, yes, I agree that it meets the standards of section 313; King; yes, I agree that it meets the standards of section 313; Jeffery, yes, I agree that it meets the standards of section 313.

A motion was made by Leary and seconded by King to approve the Planning Board minutes for August 21, 2023. All members were in favor with a vote of "AYE."

The meeting was adjourned at 8:25 pm.

Respectfully submitted by:
Julie Peterson