

# Town of Harpersfield Planning Board

Minutes: **May 29, 2024**

Present: D. King, W. Keller, F. Ciulla, A. Gallagher and D. Darling

Also present: L. Page, N. Brower, A. Phillips, Mike and Nanci Sanfilippo, Jennice Chrisman, Russ Hatch, Amanda Slicer, David Sundberg, Leslie Eaton, Alice Blue, Andy Heath, Robert Prush, Ben Prush, Alyssa Marschilok, Ken Marshilok, Mary A. Crisafulli, Alyshia Korba, Vicky Klukkert, Robert Queirolo, Adam Yagleski, R. McKertich

Chairman D. Darling called the meeting to order at 7:03 p.m..

On a motion by W. Keller, with a second by F. Ciulla, the minutes of the special meeting on May 16, 2024 were approved with the following correction where there is a reference to frilling, it should be grilling. Motion carried 5-0.

D. Darling announced that with the resignation of Kevin All from the planning board, alternate Adam Gallagher was appointed to will now become a full time board member and Dusty King will be appointed deputy chair, to replace K. All in that position. A motion was made by W. Keller, with a second by F. Ciulla to advertise for an alternate planning board member. Motion carried 5-0.

D. Darling said the planning board had a couple of small items to get out of the way before they moved on to the NYSafety Track site plan application.

David Sundberg was present with Russ Hatch regarding a boundary line adjustment along county Rt. 29 in the hamlet of North Harpersfield. Sundberg is purchasing a lot and adding it to his existing parcel. .116 is being added to .355 for a total of .471 total acres. He provided survey map.

A motion was made by W. Keller with a second by F. Ciulla to accept the boundary line adjustment. Motion carried 5-0 and D. Darling signed the lone copy. Three more copies will be needed.

Alyssa Marshilok was present for another sketch plan meeting regarding a dog boarding/day care facility at 25101 state Hwy 23, at the intersection with Colonel Harper Drove. She indicated the fencing is already there and is a square mesh. W. Keller asked if she had considered a wooden fence as a sound barrier. A short environmental assessment form needs to be completed so the board can classify the action under SEQRA to ensure it is not a Type II action. She was asked to take some photos. She was asked if NYS Ag & Markets has any jurisdiction. None that she has come across. She was asked about waste for the dogs. An in-ground septic for dog waste will be use to break it down. She was asked to produce information regarding the system.

A motion was made by F. Ciulla, with a second by W. Keller, to schedule a public hearing for the June 26 meeting. Motion carried 5-0.

Allyson Phillips, counsel for the planning board, was present. At the April 24 planning board meeting, the public hearing was left open on the site plan for NYSafety Track. More written comments were

received and are now part of the record. Many residents attended the April meeting and talked about information they found online regarding NYSafety Track and its days of operation. There was other information about the track available. The 2024 track calendar was provided for the record along with copies of information reviewed for the record. Members of the board also reviewed information that was available online, on both the NYST website, other advertisements and other social media posts that are included as part of the record. The Board is aware of other Facebook and Instagram posts that were previously discussed and also made part of the record.

There were two special meetings held to review and deliberate on the application and proceed to review under the standards of the town's site plan review law. Fred Utter, highway superintendent for the town of Davenport, attended the May 16 meeting to give information about the condition of Parker Schoolhouse Road.

Russ Hatch spoke at the previous hearing, saying that roadway in and out of the facility is mostly in the town of Davenport, such as Parker Schoolhouse Road.

At the last special meeting the planning board passed a motion for their attorney her to draft a decision document that included the history of the application and their findings and deliberations on each of the site plan review standards based on all the comments and submissions. She asked if the planning board members had had an opportunity to review the lengthy document she prepared and the board members confirmed that they had reviewed the draft. based on the series of meetings to review the EAF. The status of the board's SEQRA review was discussed and they They did not complete the review of Part II. They elected to review the standards of the Site Plan Law and the consensus was determined the site did not meet those standards. The attorney was then asked to draft a resolution with findings denying the application under the Site Plan Review Law for the board's review and final vote.

Attorney Phillips asked if anyone had any questions about the draft. There were some corrections suggested. Page 2, revision, Existing Track to Existing Track Site. Page 9 5.040-3 typo Page 9 and typo Pg 10 and Pg. 14

On Page 5 Sept. 27, 2024 should be 2023. Fred Utter's comments to the board regarding Parker Shoolhouse Road were also discussed. W. Keller also suggested the Fred Utter's visit indicated that Parker Schoolhouse Road is also a bus route.

A. Phillips referred to articles in the Daily Star and The Mountain Eagle referring to the road work and Fred Utter's meeting with the planning board. She wanted to clarify that Fred confirmed the \$90,000 to make repairs to Parker Schoolhouse Road was never paid to the town of Davenport for the roadwork. There had been a memorandum of understanding by it was annulled by the legal action against the town of Harpersfield.

N. Brower also referred to the acreage and tree clearing and that it should be consistent Pg. 18 -7. In the Nov. 30 2022 minutes it states they cleared 3 acres of forestland. The SWPPP refers to 5 acres of clearance. Page 4 says the applicant admitted to clearing 3 acres prior to the SWPPP approval. This is consistent with the 2022 minutes and the draft document was revised accordingly.

A motion was made by W. Keller, with a second by A. Gallagher to adopt the resolution with the changes requested by the Board with A. P. making the necessary changes to the draft. Motion carried 5-0.

A clean copy with the requested changes will be filed with the Town Clerk and a copy sent directly to

the applicant. .

The last course of business is to fill out the application review form for the Site Plan Form the planning board utilizes. Some of the items are not applicable. Attorney Phillips assisted the board in filling out the form. . She will enter N/A where it is not applicable and it will be filed with the town clerk.

W. Keller asked if the disapproval goes to the Dept. of State. A. Phillips explained the applicant has the right to challenge the decision in Delaware County Supreme Court.

Let the record reflect that the planning board completed Appendix B of the application with the assistance of its attorney. .

Blue Wave Solar and its updated Site Plan was the next item on the agenda with R. Queirolo present. He handed out a Flycatcher report on Bruce Hill Road C Solar Site Plan Application and supplemental information.

The new proposal would double rack the solar panels, one over the other, to cut down on disturbed acreage and to bring the project behind the access roadway. It will also reduce the acreage to be cleared.

D. King said he would like to see construction begin on the first two sites before the planning board is asked to approve a third. He said it makes them feel uneasy.

R. Queirolo said the double racks are not proposed at the previous two locations.

W. Keller asked if they would reconsider if they could produce the same amount of electricity with less environmental impact.

R. McKertich said the planning board's jurisdiction is just this project. It has been modified and moved uphill. There are two different projects.

R. Queirolo said it was developed this way to address the planning board's concerns. It has less of footprint and less disturbance. They are looking for feedback as to which project the board would prefer.

F. Ciulla asked the overall height with the double racking (19 feet).

R. Queirolo said they looked at both projects in depth and went on to explain how it affects other aspects of the project.

There is the DEC 5-acre waiver. A. Yagelski said they will look at that. There will be a swail along the roadway. W. K. believes it will allow better groundwater recharge vs. runoff.

A. Yagelski said it may function more as a way to direct water to the pond or for conveyance of water alongside the road. W.K. believes the recharge will be the same in this footprint.

The SWPPP will be reviewed by A. Yagelski and DEC.

The decommissioning plan and the escalator now includes reviewing the cost every five years. Details are included in the cost estimate and account for the updated Site Plan design.

The road use agreement is being reviewed, with a draft agreement to protect all of the roads used for the development of this project with the town highway superintendent to review.

A. Yagleski said all three projects are related. They use the same land and the same applicant. The agreement needs to cover all three projects.

R. Queirolo - I don't think there are any objections to that on our part. He asked if it is fair to ask that we agree prior to the approval of the project and then make it a condition of approval of the project. It goes to the town board for approval.

A. Yagleski said there were three things regarding the visual impacts. They do not show the simulations of a worse case scenario. It is something worth looking at. A small or not a significant adverse impact. Photos from the viewpoints were taken but not what the panels will look like. It lacks simulation. You can't say what the difference is. You have proposed mitigation but there is not enough information on the record to know if it will mitigate it.

R. Queirolo said they have done photo simulations for North and South. Viewshed analysis was basically the same and they believed it would show the same thing.

A. Yagleski said there are a few viewpoints in the valley with a marked improvement that should be submitted.

R. McKertich said it would be helpful to have new photo simulations based on the new layouts.

A. Gallagher said it wasn't necessary for him but it would be helpful to the public. It is difficult to take it on faith that the view is improved - a picture speaks a thousand words.

The consensus is that they would like to see the visual effects.

R. McKertich said we are asking with the panels tipped at their maximum height.

A. Yagleski said methods weren't clear. The photos should be taken in leaf-off conditions which he believed they already had done in order to simulate.

N. Brower - you will have a visual so anyone looking can get the actual.

R. Queirolo said they would rerun them with this layout so the public can determine there won't be much of a difference.

A. Yagleski said documenting at each turn is important.

R. Queirolo - They will send everything to the town and village of Stamford and it will be available in the Drop Box link.

A. Yagleski - the decommissioning plan in relation to the Full Environmental Assessment Form indicates no hazardous waste is generated on site. It creates a contradiction with the state government which should be resolved. RQ said the waste is not hazardous.

R. Queirolo said if the planning board was comfortable he would like to move into the public hearing for June, provided all the documents are prepared.

D. Darling said the town road plan is something they need to get their hands on. The town's Road Use Agreement, prior to having a public hearing.

R. McKertich said it will also require a 439 review by the County Planning Board and we don't want to do that until everything is in place for the public to review before a public hearing. That turnaround won't allow for a hearing in June.

D. Darling said it will take another month to schedule a public hearing.

D. King said they need to get the info and ship it to the county for review the first week in July with a public hearing at the July meeting of the Harpersfield Planning Board.

The consensus is that they want to see what new array layout as it was created in response the concerns.

A. Yagleski - The way to sanctify is to refer this version to the county and D. Darling asked if they could get the items to the planning board sooner to allow them to review the drawings and items ahead of time.

Blue Wave will return again next month.

A. Phillips noted the site plan application review form was reviewed with the planning board. It will be on file in the town clerk's office with the board's resolution denying the application.

The record reflects the form has been completed and will be on file in the town clerk's office.

On a motion from D. King, with a second by A. Gallagher, the meeting was adjourned at 9:19 p.m..  
Motion carried 5-0

Respectfully submitted,

Liz Page,  
Recording secretary