

Town of Harpersfield Planning Board

Minutes: **June 26, 2024**

Present: D. King, W. Keller, F. Ciulla and A. Gallagher. D. Darling entered the meeting later.

Also present: L. Page, N. Brower, R. McKertich, Camberly VanVAikenburg, Adam Yagelski, Robert Prush, Jared Lusk Peabody LLP, Jack Redmonds of Pyramid Network Services, Robert Queirolo, Sean Murphy and Vicki Klukkert.

In the absence of D. Darling, D. King, vice chairman called the meeting to order at 7 p.m.. The May 21 special meeting minutes were approved, with correction of the typo's as pointed out by W. Keller, on a motion by W. Keller, with a second by A. Gallagher. Motion carried 4-0.

The May 29 regular meeting minutes were approved with the following correction. On the last page, the reference to the County Board. It should be Municipal Law 239. Motion made by W. Keller, seconded by F. Ciulla. Motion carried 4-0.

The Marschiloks were not present regarding the site plan for a doggie day care and boarding kennel. D. King moved on to the Blue Wave Solar Project.

Sean Murphy of Flycatcher and Rob Queirolo of Blue Wave were present. Sean Murphy said they had sent a letter with the last meeting's photo simulations and said the visual impact is reduced and presented the photos to back that up. He said they had also been mailed to the town of Stamford and the village of Stamford the previous week.

The Site Plan addition, a note with the definition of impervious and the acreage of the panels was also presented along with two iterations of the decommissioning plan, one for \$103,000 and the newer figure of \$182,000 to \$188,000 and the road use agreement.

W. Keller - he mentioned the micro pool extended basin and asked about tree clearing and if the retention pond could be bigger. He said it is lined with stone and they do not need any stone in the bottom of the pond. He said if it was ditched along the roadway and if the trees were out of the way they could dig that pond, unless it is against DEC and the SWPPP says to put stone there. Otherwise leave it like a pond.

He asked if there was a swale adjacent to the road. If the pond is in the DEC regulations and if it requires stone. If not, they should look at the alternative design. It was noted Walt was happy.

R. McKertich said the updated view analysis and site plan were the substantive issues. The only outstanding issue is the Road Use Agreement and the 239 submission to the Delaware County Planning Board.

He has drafted a Road Use Agreement and Blue Wave has responded back. The outstanding questions is Blue Wave project C and also A and B. They will be using the same roadways and part of the SEQRA includes accumulative effects. He believes the road use agreement should cover all three projects.

R. Queirolo said he didn't think there would be any objection on Blue Wave's end.

There is a question about which roads should be included to access the project. Bruce Hill Road is the only town road listed for travel and it did not give a full analysis. A. Yagleski said they need to find ways to make it specific to the classes of vehicle.

Russ Hatch, town highway superintendent, did not respond to R. McKertich and W. Keller said he definitely needs to be involved.

R. Queirolo said it is going to be sizeable equipment.

It was suggested they add Peters Road and O'Dell Lake Road, due to contour of the road, which may require using alternate routes of travel.

A. Yagelski said it needs to include origin and destination and where are the sources coming from.

A bond will be requested related to the mileage of the roads traveled. O'Dell Lake Road can not be eliminated and it will be up to the town to enforce the agreement.

A. Yagelski said it would be better for the agreement to be more inclusive than less inclusive. D. King recommended they include all three town roadways. D. Darling recommends getting the town highway superintendent involved in the agreement.

R. McKertich, A. Yagelski and D. Darling will set up a phone call with Russ Hatch.

They will also need the total mileage.

R. Queirolo said that as the applicant they would want the conditions defined well, to repair the damage created. A. Yagelski said culverts and the whole structure are to be considered.

R. McKertich will respond to their red line conditions and proposes an increase in the engineering fees. A. Yagelski said the time of year is important, especially the spring thaw and if they can limit the trips when road surfaces are most vulnerable. It might be something to raise with the highway superintendent.

R. McKertich said they are likely sensitive to project construction at the same time. R. Queirolo said that is hard to say and may be a tough request.

Decommissioning Plan

The total amount cost. A. Yagelski put together and proposed cost of prevailing wage rates good with 50/60 percent with a 65-mile round trip to nearest landfill and increases in trucking costs. They were talking 188,000 but it is now more like \$300,000.

Sean Murphy wanted to take a step back, saying there is no number for the project that would support those numbers. A. Yagelski said he wanted to be clear that there was a construction inspection with a team manager, who does the estimating relative to what is involved said it does no profit and no inflation. Prevailing wage and the omissions he had mentioned, are not based on the NYSERA estimates. "our suggestion is to make it site specific"

S. Murphy said Delaware Engineering was basing it on \$163,000 when it was reviewed and they did

not offer that. He wanted to know what changed.

A. Yagelski said he needs to touch base to see what is involved in those figures. He said they may have missed something. It comes down to the number of racks and the team that is going to dismantle.

R. McKertich said it is a process to get up to speed on those things. There is nothing inappropriate in looking at a plan and look at one differently. What is the cost of decommissioning for this plan.

He said planning boards and others have a lack of exposure to these projects.

The next step, he believes, is to create a spread sheet so you can see what you agree with or don't agree with, to find a meeting of the minds in digging into the details.

R. Queirolo said he could agree to that. Our folks have to the ability to rebuttal. We want to get there at a fair price.

A. Yagelski will circulate the comments and Delaware Engineering's review to everyone involved, including the board.

R. Queirolo said he did not believe the road agreement should hinder progress.

A motion was made by W. Keller, with a second by F. Ciulla, to refer the project for the 239 process through the county planning board. Motion carried 5-0.

A motion was made by A. Gallagher, with a second by W. Keller, to hold a public hearing on July 31. Motion carried 5-0.

N. Brower said that for a larger project, the county planning board likes to have a project representative present for the hearing.

Jared Lush and Jack Redmond were present regarding a Cell Tower for Verizon Wireless.

The application was submitted on June 12 and they reviewed the existing coverage maps and the coverage to be gained by the new tower.

W. Keller asked if they were siting for the best coverage or is there a better spot for coverage down the road. The tower will be used to relay. It will not provide coverage in the deep valleys. To do that, a site would be needed on the other side of the hill.

The lease has been negotiated with the town board and approved.

A. Gallagher asked if a balloon could be used to produce simulated height of the tower and simulated views.

No lighting will be required as the tower is not tall enough. There will be a small roof over the cabinet to keep the equipment from being smashed and a generator inside a capped housed that will come on when power is out.

There will be a 50 by 50 foot fenced-in compound with a double gate for future location of T.Mobile.

N. Brower said one of the conditions for the county is for emergency services to have access and space will be made available.

There was an issue with the 232 foot set back. It is a very high set back. It is usually the height of the tower.

A motion was made by W.Keller, with a second by D. King to hold off until the next meeting and they will touch base with the town board regarding a public hearing to add a waiver to the law. It would go before the county planning board in August and the representatives could return on Aug. 28 for a public hearing.

D. Darling will contact them after the July meeting to determine the rest of the schedule.

W Keller said he called Becky Mitchell, the permit person at DEC, regarding the cut trees and when it will be exasperated. DEC doesn't normally do it unless a site is built. "It really annoys me that they get away with that stuff. DEC enforcement - we have none.

D. Darling brought forth paperwork received earlier in the day regarding the Doggie Day Care.

A narrative has been provided. W. Keller wonders about the safety and well-being of the animals and why no one has found a regulatory body.

W. Keller said they need to satisfy what is required by the NYS Department of Ag and Markets for pet dealers. He recommended calling SUNY Delhi.

NYS Rules for Dog Care Centers and small animal boarding permits.

Someone will get a copy of the registration form and they must return again next month. D. Darling will contact them.

It was noted that the Weaver Road Solar Project Decommissioning plan has been approved.

On a motion by W. Keller, with a second by A. Gallagher, the meeting was adjourned at 9:41 p.m.. Motion carried 5-0.

Respectfully submitted,

Liz Page,
Recording Secretary