

Town of Harpersfield

Planning Board

Minutes: **November 20, 2024**

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

Also present: L. Page, N. Brower, Glenn Valentine Sr., Glenn Valentine Jr., Richard and Christine Bellinger, C.W. Handshall, Eileen King, Kenneth Marschilok, Chris Young, Doug Moses, Robert Prush, Ted Dziewit, Gary Ham (?), Xavier Bessez, Nora Lisanti Ortiz, Luis Ortiz, Jared Lusk, Carrie Sloan, Betty Jones and Lauren Knox.

Chairman D. Darling called the meeting to order at 7 p.m.. In the absence of F. Ciulla, D. Cole is a voting member.

The minutes of the meeting were approved as presented with noted typo errors on a motion by D. King, and a second by W. Keller. Motion carried 5-0.

D. Darling noted there is a full agenda and would do the shorter items to begin with.

Xavier Bessez was present regarding a proposed subdivision which Karley Bessez introduced at the October meeting proposing subdividing one parcel into two, one with 10 acres and one with 25 acres. He presented a survey and the results of a percolation test on the property where there is not an existing building. It is classified as a minor subdivision. At the next meeting in January, he should present certified mail receipts that he has notified all adjacent neighbors within 500 feet, along with the survey maps showing percolation tests. It will also require a review by the Delaware County Planning Board. It will be presented by N. Brower at the February meeting of the county board on the first Wednesday of the month.

Glenn Valentine Jr. and Sr. were present for a sketch meeting regarding a boundary line adjustment, combining three parcels into one parcel. He showed the three lots and removal of the boundaries in between. All are vacant lots. The planning board will need the survey map. A test pit has already been done on one of the parcels and although it is not required, it was recommended it be included on the survey map for possible future reference. He will need the full survey and pay the fee at the next meeting for the planning board to act.

The dog boarding and day care facility, with the hearing closed last month, was reviewed by the planning board and conditions were set to ensure the concerns raised during the hearing are addressed. Kenneth Marschilok was present to answer the questions posed by D. Darling and to provide answers as to how they will address those concerns.

Although it was indicated there is room to board up to 10 dogs in the boarding shed, a condition will limit it to six dogs. As for the health issues, he indicated "they" are first aid and CPR certified. He said the waste management is to package it for disposal with a waste hauler and with a letter stating such from a local waste hauler. He said there is not that much waste at this time, so it will be double-bagged for the removal by a hauler.

On a motion by A. Gallagher, with a second by W. Keller, the planning board moved forward with reviewing the environmental assessment form. D. Darling read through the Part II answers which were all no, indicating no significant adverse impact.

He then reviewed Part III and the conditions that would be set, including adequate ventilation, disposal of animal waste, maximum dog numbers.

The were no moderate to large impacts.

On a motion by D. King, with a second by W. Keller, the site plan for the dog boarding and day care facility was approved with the conditions that were set forth and reviewed with the owner, in accordance with the resolution issuing the negative declaration and site plan approval. Motion carried 5-0. See attached. The signed document was sent to the town clerk and attorney for filing.

The continued public hearing regarding the siting of a cell tower on town property by Verizon was opened to the public for comment.

T. Dziewit said that at the last meeting of the planning board he was referred to the town board regarding the issues raised. He did ask to be put on the town board agenda, but was then removed from the agenda. He said he had talked to D. Darling regarding a site visit on his property, so the planning board could see what they are getting into.

He had also checked into property values.

Neighbor Betty Jones said there were five possible sites listed for consideration by Verizon. "We would prefer it not be here." She asked that instead of just hearing from the five neighbors if she could canvas the neighborhood and get people to sign a petition – would that give the planning board more to consider? "Everybody has their reason why they don't want it, but you aren't hearing us and you aren't getting it."

An unidentified speaker, believed to be Lauren Knox, agreed with Jones and said she can see it from her house.

D. Darling said the planning board knows it is a visual deterrent.

Knox then said they will be looking at a 150-foot tower. It has visual and other aspects. We don't know what the medical implications are. She referred to a document from their attorney and the town board.

D. Darling then read a statement (which was not provided to the recording secretary) provided by Allyson Phillips of Young and Summer, reiterating that the federal government has jurisdiction and the emissions are within those standards, with a report presented to the town that implies the radiation exposure is within the law. These possible health concerns are not a part of the local review.

Jones asked how many names it would require for the planning board to consider putting it somewhere else.

W. Keller said the planning board is within a "rock and a hard place". "We can't do anything about it. Nobody is disagreeing, but it is not our call."

T. Dziewit said the community will get devalued and the town is receiving “trinkets”. He referred to the village of Stamford which renegotiated its lease.

Carrie Sloan then took the floor to read her written objection and to present her summary of facts to those present. (copies were handed out to planning board members.)

The attorney for Verizon, Jack Redmund indicated the town has a process in place, which they have followed. He explained that his company must consider locating on municipal property over private property. Co-locating with existing towers is not possible “We are required to put it on town property based on the town’s own tower communication law. We must put it on town property before we can look at other properties. The town has agreed.”

Town's own law said they must site it on town property if it fits.

T. Dziewit said it doesn’t fit and D. Darling said it does fit. The audience argued it does not fit without the waiver. D. Darling said the town passed that waiver.

Carrie Sloan said the town added the waiver variance, but it is the planning board's responsibility to decide whether to grant the waiver. Lisa Driscoll has confirmed with her that that waiver hasn’t been granted and that's why we're having the public hearing.

Redmund states they have a signed agreement and Sloan said it was illegally signed.

C.W. Handshall asked what is the required set back off the property line. He was told 83 feet.

D. Darling said the town board made that waiver.

Carrie Sloan said the original written opposition and offered her statements and summary for submission. (see attached).

W. Keller said that relative to this, I believe we should continue the hearing and send it to our attorney. We are not doing our job unless we continue this. We have recognized our citizens concerns and we cannot ignore them.

A motion was made by W. Keller with a second by A. Gallagher to continue the hearing and pass it on to their attorney for advice. Motion carried 5-0.

D. Darling made the statement there are no regulations or official determination of property values and health issues are regulations we have to go by.

A motion was made by W. Keller, with a second by D. King. To adjourn the public hearing for tonight. Motion carried 5-0.

The Site Plan Amendment for the Blue Wave Solar Project on Bruce Hill Road from projects A, B and C was presented.

A motion was made by W. Keller, with a second by A. Gallagher to accept the site plan amendment. Motion carried 5-0.

Chris Young and Doug Moses were present regarding an amendment to the Weaver Road Solar Project site plan, regarding the placement of poles along the roadway within the solar array and not where originally sited near Route 23.

The general contractors Bullrock Renewables is adding the overhead line extension through the center of the property to their inverters. It is necessary to allow them to disconnect from the grid to work rather than having it located at the front of the property as originally proposed. Which Moses said he considered a bigger “eyesore”

D. King said they need to meet with Billy Eklund regarding the hookup into the line, saying it has changed and that the property owner has stated that no one has talked to him and that he does not want power lines running across the front of his business. The landowner has not given his approval. The contractors indicated that NYSEG has been working on that proposal and that they will do whatever necessary to make sure the project is entered into the grid.

D. King said some of the property also involves the state DOT.

They stated they are not affiliated with Delaware River Solar, which proposed the project and they purchased the project as a third party joint venture. DRS must continue its due diligence and make sure it is clear.

They will send the interconnect agreement with NYSEG, which D. King was not able to locate in the paperwork.

A motion was made by D. King, with a second by D. Cole, to approve the utility reclosure from U2 to riser C1 with overhead poles. Motion carried 5-0.

The NYSEG agreement will be sent to the town clerk and they will check with the landowner, Billy Eklund, regarding the connection to the NYSEG line and its location. That copy was received and is on file with the town clerk.

On a motion by D. Darling and a second by D. King, the meeting was adjourned at 8:54 p.m. Motion carried 5-0.

Respectfully submitted,
Liz Page,

Recording secretary