

Town of Harpersfield Planning Board

Minutes: **August 31, 2022**

Present: D. Darling, F. Ciulla, A. Gallagher and K. All

Also present: L. Page, N. Brower, Allyson Phillips, Iya Badran, Henry Sander, James Catella, Kelly Sullivan, Peter Dogur, Scott Evangelista, Lucas Flachs, Joe Profera, Laurie and Russ Bedford, Trish Hiltz, Stacy Montabone, Sarah Abbatine, Don VanEtten, Bill Abbatine, Collin Miller, Ken Utter, Jon McManus, Susan Fortier and Steven C. Sibbern, LS

Chairman D. Darling opened the meeting at 7:05 p.m. by reading the public hearing notice for the Catskill Mountain Little League site plan application.

James Catella was present from Clark Companies, as a licensed engineer, to answer any questions about the CMLL site plan. He provided an overview of the project, located on 6.65 acres purchased from the village of Stamford. The little league complex will have a game field and a practice field. The Environmental Impact Statement has been submitted, with no impacts identified and no archaeological issues identified by state Historic Preservation Office (SHPO).

Collin Miller said the land was transferred in June and the site plan process initiated. It was then determined that since the land was divided from a larger village parcel, that it is a subdivision. He explained that required an additional survey, which would put an additional cost on the village and CMLL. He said they have met the other requirements regarding the subdivision and all state Department of Environmental, NYC Department of Environmental Protection and state Department of Transportation requirements.

They must wait on a determination by the town board to grant permission to the village of Stamford under an intermunicipal agreement for immunity under the subdivision regulation for conveyance of the property.

There were questions about the use of the parking lot. There will be a locked gate along the access roadway.

A. Phillips explained the process of the Monroe Balancing law. The planning board can't take any further action until the town board has acted on the law. The planning board will then be in a position to make its final approval at the September meeting. If the law is not approved by the town board there are certain hardship waivers the CMLL could apply to the planning board to consider, such as a hardship waiver. However, setting a precedence is not recommended.

A motion was made by F.Ciulla, with a second by K. All to continue the public hearing until the Sept. 28 meeting to allow for any written comments to be filed with the town clerk. Motion carried 4-0.

In the meantime, N. Brower will present the application to the Delaware County Planning Board with CMLL representatives agreeing to be present to answer any questions.

The regular meeting was opened at 7:37 p.m..

Minutes of the July 27, 2022 meeting were approved as presented on a motion by F. Ciulla and second by A. Gallagher. Motion carried 4-0

They did question the minutes regarding the length of a proposed new mini track at Mountaintop Airfield LLC. It was later determined the minutes were incorrect and the length of the proposed mini

track is .7 miles in length with 4 acres of disturbance.

Russ and Laurie Bedford were present for a boundary line adjustment to take 1.03 acres away from the 260.15 acres and combine it with an existing parcel, which would total 27.24 acres at the former Harold Bedford residence, to include the barn across county Rt. 29.

A motion was made by K. All, with a second by F. Ciulla, to classify it as a boundary line adjustment. Motion carried 4-0.

A motion was made by K. All, with a second by F. Ciulla, to approve the boundary line application. Motion carried 4-0.

Steve Sibbern, surveyor, was present with a preliminary sketch for a two-lot subdivision off state Route 23. for Arif Ayhan Topcu. The total of 18.8 acres has 600 foot of road frontage off Colonel Harper Drive and the property would be divided in half. There is an existing mobile and there and the intent is to construct a house. There would be a 50-foot right of way to the second lot, due to the steepness of the road bank, which would be shared over a portion of the right of way. Lot A is 9.4 acres and Lot B is 9.4 acres. A percolation test will be done on Lot A, with an existing septic on Lot B. They would be using the existing egress.

It would be considered a minor subdivision, but it adjoins an existing agricultural use, requiring an Ag data statement and a public hearing.

A motion was made by F. Ciulla, with a second by A. Gallagher to classify it as a minor, unlisted subdivision. Motion carried 4-0.

Kelly Sullivan was present from Delaware River Solar, proposing a 4.98 megawatt solar farm off 27 Weaver Road. It would involve 30.5 acres of a 39-acre parcel with no wetland disturbance. There would be a 7-foot perimeter fence surrounded by forest and would not be visible to the neighbors. If the planning board is lead agent, A. Phillips made the disclosure that Young and Sommer represents DRS in some capacity, but it is unknown if it is with this project. If for some reason it is a conflict of interest, the board could hire another legal consultant and a technical consultant for the project which would require establishing an escrow account.

It would require a site plan review and must go through the county planning board's review. The county planning board makes the determination if there is any countywide impact.

Sullivan was given information as to how far ahead of the planning board meeting she needs to submit information. There is a \$100 application fee. Peter Dolgur said they do have a signed interconnection agreement and everything is in place with NYSEG.

They would submit a full set of plans in addition to Part I of the state Environmental Quality Review Act decommissioning plan. It would serve 817 homes. It was noted this was a preliminary sketch meeting.

Planning board members then reviewed the site plan application for CMLL. The environmental impact statement, short form and the finalized stormwater pollution prevention plan (SWPPP), electronic and hard copy have been filed with the town clerk. The application is awaiting feedback from DEP and DEC. D. Darling has the soils report and site drawings.

J. Catella said the DOT recommendations are being followed regarding the easement to ensure it doesn't conflict with the village water line. The village was notified of the public hearing and no one was present.

If the town board determines it does not have to go through the subdivision process, it may require a notation be made on the map that the planning board does not approve the additional 14 acres as a buildable lot.

Further action will be determined by the outcome of the town board's decision on othe intermunicipal agreement regarding the subdivision.

Jon McManus was present for Mountaintop Airfield LLC.

A. Phillips provided a summary of the prior history of the site, which was approved for motorcycles only in 2011/2012.

A previous application to add automobiles to the track was tabled after the applicant failed to allow a consultant access for noise assessments.

It is located in an agricultural district which will require a full environmental assessment review as a Type I action.

Due to the history, requirements and violations, anything beyond the 2011 permitted actions is not considered part of the baseline conditions and noise is an issue for the public.

The planning board has the right to retain a professional consultant and fund an escrow account for the hiring of counsel and an expert. A resolution will be prepare for the town board to allow establishment of an escrow account. There is some money remaining in the original escrow account that could be applied to a new escrow agreement to bring it to \$5,000. When the account falls to \$1,000, the applicant must bring it back to the \$5,000 amount.

A motion was made by F. Ciulla, with a second by A. Gallagher, to require the applicant to fund an escrow account that will allow the planning board to retain engineering and legal counsel and for Young and Sommer to prepare a draft escrow agreement and a resolution for town board approval. Motion carried 4-0.

On a motion by A. Gallagher and a second by F. Ciulla, the meeting was adjourned at 9:29 p.m. Motion carried 4-0.

Respectfully submitted,

Liz Page
Recording secretary