

**TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
STILLWATER TOWN HALL
JUNE 24, 2019 @ 6:30 PM**

Present:

Chairman Peter Buck (PB)
Frank Bisnett (FB), Member
Heather Ferris (HF), Member
Carol Marotta (CM), Vice Chairwoman
Kimberlee Marshall (KM) Alternate Member
Randy Rathbun (RR), Member
Dale Smith (DS), Member

Also Present:

James Trainor, Attorney for the Town (JT)
Paul Male, Town Engineer, (PM)
Lindsay (Zepko) Buck, Town Planner (LB)
Ellen Vomacka, Town Board Liaison
Sheila Silic, Secretary

Absent:

Marybeth Reilly (MR), Member

Pledge:

Chairman Buck called the meeting to order at 6:30 PM and led everyone in the Pledge to the Flag.

Review and approval of minutes of Planning Board meeting:

Mr. Rathbun made a motion to approve the minutes from the May 28, 2019 meeting, seconded by Vice Chairperson Marotta. A roll call vote was taken 6-0. The motion passed unanimously.

Chairman Buck	YES
Member Bisnett	YES
Member Ferris	YES
Vice Chairperson Marotta	YES
Member Marshall	YES
Member Rathbun	YES
Member Smith	ABSTIANED

PB2019-15 Wickes / Ramnes Lot Line Adjustment, 8 McDermott Road

****Chairman Buck recused himself from this project****

Vice Chairperson Marotta recognized Mr. Gavin Vuillaume of Environmental Design Partnership LLP who is representing Mr. Christopher Wickes. Mr. Vuillaume stated that Mr.

Wickes is also present this evening. Mr. Vuillaume stated that the properties are located on County Route 75 and McDermott Road. Mr. Vuillaume stated that the Lot Line Adjustment is a land swap with an existing parcel which is immediately adjacent to Mr. Wickes property. Mr. Vuillaume stated that they are decreasing Mr. Wickes parcel on County Route 75 by 8.5 ft. in the rear of the lot and merging it with Mr. Wickes daughter's property. They are also increasing Mr. Wickes parcel along the frontage of County Route 75 which will increase the frontage along County Route 75. Mr. Vuillaume stated that the Lot Line Adjustment will leave Mr. Wickes daughter's property in compliance with the current zoning regulations.

Vice Chairperson Marotta asked Mr. Male about his comment letter and if there are any outstanding issues. Mr. Male stated that he has revised his comment letter dated June 24, 2019 and that the only outstanding issue is the connection to the waterline. Vice Chairperson Marotta asked Ms. Buck if she received a response from Saratoga County Planning Board. Ms. Buck stated that the response from the Saratoga County Planning Board was that it would have no inter-municipal impact. Vice Chairperson Marotta asked about a section of property shown on the map and asked if it would become a roadway. Mr. Vuillaume stated that it would not be a roadway but a shared driveway.

Mr. Rathbun made a motion to waive the public hearing seconded by Mr. Bisnett. A roll call vote was taken.

Chairperson Buck	Recused
Member Bisnett	YES
Member Ferris	YES
Member Marotta	YES
Member Marshall	YES
Member Reilly	Absent
Member Smith	YES
Member Rathbun	YES

Vice Chairwoman Marotta asked if anyone had any additional questions or concerns, and, hearing none, she asked to move to discussion of SEQRA.

**TOWN OF STILLWATER
PLANNING BOARD
2019 RESOLUTION NO. 21**

WHEREAS, Christopher Wickes has submitted an application for a Lot Line Adjustment regarding property located at 8 McDermott Road and 200 County Route 75, more fully identified as Tax Map Numbers 252.-1-23.1 and 252.-1-23.2; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is a Type II action requiring no further SEQRA action; and

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Christopher Wickes, for a Lot Line Adjustment regarding property located at 8 McDermott Road and 200 County Route 75, more fully identified as Tax Map Numbers 252.-1-23.1 and 252.-1-23.2, is a Type II action requiring no further SEQRA review.

A motion by Member Ferris, seconded by Member Bisnett, to adopt Resolution No. 21.

A roll call vote was taken on Resolution No. 21 as follows:

Chairperson Buck	Recused
Member Bisnett	YES
Member Ferris	YES
Member Marotta	YES
Member Marshall	YES
Member Reilly	Absent
Member Smith	YES
Member Rathbun	YES

Resolution No. 21 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on June 24, 2019.

**TOWN OF STILLWATER
PLANNING BOARD
2019 RESOLUTION NO. 22**

WHEREAS, Christopher Wickes has submitted an application for a Lot Line Adjustment regarding property located at 8 McDermott Road and 200 County Route 75, Stillwater, more fully identified as Tax Map Numbers 252.-1-23.1 and 252.-1-23.2; and

WHEREAS, the Town Zoning Law does not require that a public hearing be held in order for the Planning Board to act on an application for a Lot Line Adjustment; and

WHEREAS, a public hearing was waived on June 24, 2019 to consider the application;
and

WHEREAS, the Planning Board determined the lot line adjustment to be a Type II action requiring no further SEQRA review pursuant to Resolution No. 21 of 2019; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Christopher Wickes, for a Lot Line Adjustment of lands located on 8 McDermott Road and 200 County Route 75, Stillwater, more fully identified as Tax Map Numbers 252.-1-23.1 and 252.-1-23.2, is hereby GRANTED conditioned on all outstanding comments in Paul Male's June 24, 2019 comment letter are satisfied; and be it further

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Bisnett, seconded by Alternate Member Marshall, to adopt Resolution No. 22.

A roll call vote was taken on Resolution No. 22 as follows:

Chairperson Buck	Recused
Member Bisnett	Yes
Member Ferris	Yes
Member Marotta	Yes
Member Marshall	Yes
Member Reilly	Absent
Member Smith	Yes
Member Rathburn	Yes

Resolution No. 22 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on June 24, 2019.

PB2019-02 Wickes Minor Subdivision, 8 McDermott Road

****Chairman Buck recused himself from this project****

Vice Chairperson Marotta recognized Mr. Vuillaume of Environmental Design Partnership LLP who is representing Mr. Christopher Wickes. Mr. Vuillaume stated that Mr. Wickes is also present this evening. Mr. Vuillaume stated that the parcel consists of 15.53-acres and is located on the south side of McDermott Road in the LDR Zoning District. Mr. Vuillaume stated that the applicant is proposing to subdivide the parcel into 3 lots with each lot connected to public water and onsite septic system. Mr. Vuillaume stated that Lot #1 will consist of 3.4-acres and has an existing dwelling that will be replaced with a new single family dwelling, Lot #2 will consist of 6.10-acres and Lot #3 will consist of 6-acres with a shared driveway for ingress and egress. Mr. Vuillaume stated that the driveway for Lots #2 and #3 will be built to the standards for emergency access. Mr. Vuillaume stated that they are not proposing to disturb the wetlands in the rear of the parcel.

Vice Chairperson Marotta stated that all the lots will be serviced with public water and have onsite septic systems. Mr. Vuillaume stated that is correct. Vice Chairperson Marotta asked about the hazardous wasteland. Mr. Vuillaume stated that the NYS DEC website identifies any hazardous sites. Mr. Vuillaume stated that there was supposedly a hazardous site in the vicinity of this parcel.

Mr. Rathbun asked about the driveway having areas for emergency vehicles to pull off. Mr. Male stated that he asked Mr. Vuillaume to submit a copy of the subdivision plans to the Arvin Hart Fire Department.

**TOWN OF STILLWATER
PLANNING BOARD
2019 RESOLUTION NO. 23**

WHEREAS, Christopher Wickes has submitted an application for a Minor Subdivision regarding property located at 8 McDermott Road, more fully described as Tax Map No. 252.-1-23.1; and

WHEREAS, a public hearing is required before the subdivision can be considered by the board;

Now, therefore, be it

RESOLVED, that a public hearing be scheduled at 6:30pm on July 22, 2019 to consider the application of Christopher Wickes for a minor subdivision regarding property located at 8 McDermott Road, Tax Map No. 252.-1-23.1; and that the board secretary publish appropriate notice of the public hearing.

A motion by Member Bisnett, seconded by Member Ferris, to adopt Resolution No. 23.

A roll call vote was taken on Resolution No. 23 as follows:

Chairperson Buck	Recused
Member Bisnett	Yes
Member Ferris	Yes
Member Marotta	Yes
Member Marshall	Yes
Member Reilly	Absent
Member Smith	Yes
Member Rathbun	Yes

Resolution No. 23 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on June 24, 2019.

****Chairman Buck returned to the Meeting****

PB2019-13 & 14 Eastern Light Partnership Solar Farm Site Plan Review and Special Use Permit

**** Mr. Rathbun recused himself from this project ****

Chairman Buck recognized Mr. Jamie Fordyce and Ms. Wendy DeWolf who are representing East Light Partners. Mr. Fordyce stated that they are proposing the construction of a solar facility located on Graves Road and consist of three parcels totaling 363-acres. Mr. Fordyce stated that the parcels are bordered by George Thompson Road on the west and County Route 75 on the east. Mr. Fordyce stated that the properties are owned by DA Collins and was previously purchased by Luther Forest Technology Campus to allow for the construction of the high powered transmission lines that extend to Global Foundries. Mr. Fordyce stated that the proposed project will encompass 34.8-acres which roughly is 10% coverage of the parcel. Mr. Fordyce stated that they have received Mr. Male's comment letter and have addressed most of the concerns at the last Planning Board meeting on June 24, 2019. Mr. Fordyce stated that the majority of the solar panels will not be visible to the public. Mr. Fordyce stated that the parcel along George Thompson Road is where the solar panels could possibly be seen by the public. Mr. Fordyce stated that they have submitted a landscaping plan that would provide screening of the solar panels from the public on George Thompson Road. Mr. Fordyce stated that the evergreen trees are spaced roughly about 20 ft. on center. Ms. DeWolf stated that they are required to install a 7 ft. fence around three sides of the perimeter. Mr. Fordyce stated that the solar panels have a non-glare coating and therefore would not be reflecting the light.

Chairman Buck proceeded to open the public hearing and asked if anyone wished to comment.

Pat Bruno 126 County Route 75

Mr. Bruno stated that the solar farm is only being constructed on 35-acres of the parcel. Mr. Fordyce stated that is correct. Mr. Bruno asked if the construction of the solar panels is on George Thompson Road. Mr. Fordyce showed Mr. Bruno on the map where the solar panels will be constructed within the 35-acres. Mr. Bruno asked for clarification on the height of the fence. Ms. DeWolf stated that the height of the fence is 7 ft. Mr. Bruno asked about the type of fencing that will be used in regards to wildlife in the area. Mr. Fordyce stated that the fencing that will be installed is deer fencing and there will be an open area for wildlife to pass through. Mr. Bruno asked for clarification on the removal of some trees. Ms. DeWolf stated that the only trees to be removed are in the center of the field where the solar array is to be constructed. Mr. Bruno asked about other trees that grow faster than what is being proposed for the buffer. Ms. DeWolf stated that usually what people want is evergreens but she stated that they are open to suggestions. Mr. Bruno asked about a security system that would monitor the solar facility. Mr. Fordyce stated that the solar facility has fencing and is gated. Mr. Fordyce stated that typically they do not have a security system. Mr. Bruno asked if the solar facility can store power. Mr. Fordyce stated that the solar facility cannot store power.

Mark Minick, Town of Stillwater Highway Superintendent

Mr. Minick stated that along George Thompson Road there is a waterline easement and asked if what is being planted is far enough away from the easement so the Highway Department can make any necessary repairs. Ms. DeWolf stated that they will review the landscaping plans and make sure that the trees are not within the waterline easement. Mr. Minick asked about the trees that are being planted and what happens in 10 years when the trees are on town property. Ms. DeWolf stated that the trees will be maintained so that the landscaping does not go outside of the projects property line. Mr. Minick asked what would protect the solar panels in the event that there was an accident and a car goes off the road. Mr. Fordyce stated that the car would run into the trees first and then hit the fence.

Barbara Raymond 140 County Route 75

Ms. Raymond asked if there are any environmental problems that can occur from the solar panels. Mr. Fordyce stated that there are not any hazardous materials in the solar panels. Mr. Fordyce stated that the silicon that is contained in solar panels is in a solid form so there would be no leakage and it would trip the breaker. Mr. Fordyce stated that their company would make all the appropriate repairs to the solar panels. Ms. Raymond stated that she does not have any issues with the solar farm and urged the Planning Board to work with the applicant on the proposed project.

Mr. Randy Rathbun 76 Dick Lynch Rd

Mr. Rathbun asked if there is a solar facility that the applicant has constructed that the public could visit. Mr. Fordyce stated that they have constructed some solar facilities in western Massachusetts. Ms. De Wolf stated that the projects that are proposed for New York have not started construction. Mr. Rathbun asked if there will be a substation or do the solar panels connect to a 3 phase power line. Mr. Fordyce stated that there is a small substation that connects to the high power lines and then to a set of breakers. Mr. Rathbun asked what the minimum size power line that the solar panels can connect to. Mr. Fordyce stated that solar facilities of 5-acres or larger have to connect to a 3 phase powerline. Mr. Rathbun asked how many residents will this solar facility power. Mr. Fordyce stated that this solar facility will power between 4,000 and 5,000 residents per day.

Dennis Latham 119 County Route 75

Mr. Latham asked about the accessibility for ingress and egress for emergency vehicles. Ms. DeWolf stated that roadway will be accessible to emergency vehicles. Mr. Latham asked if there is a certain distance from the solar panels that people would have to stay clear of. Mr. Male stated that he recommended that they submit a copy of the solar facility plan to the Arvin Hart Fire Department. Ms. DeWolf stated that have not received a response back from the Arvin Hart Fire Department as of yet. Mr. Latham asked if solar panels are susceptible to lightning strikes. Ms. DeWolf stated that solar panels are not susceptible to lightning strikes.

Chairperson Buck asked if anyone else would like to comment and hearing none he proceeded to table the public hearing until July 22, 2019.

Mr. Bisnett asked about buffering the view of the solar panels and the height of the trees. Ms. DeWolf stated that the trees are meant to buffer the view and that the trees will be 6ft. to 8 ft. tall when they are planted. Mr. Bisnett stated that the trees should be deer resistant. Ms. DeWolf stated that they work with a local regional Landscape Architect with the deer being the key issue in the landscaping plan. Mr. Bisnett asked about a berm along George Thompson Road. Ms. DeWolf stated that the trees are a better option in regards to the waterline.

Ms. Buck asked what the time frame is for the trees to reach maturity. Mr. Fordyce stated it should take roughly about 6 to 8 years for the trees to reach maturity.

Mr. Smith asked who will be responsible for maintaining the project's property. Ms. DeWolf stated that they will be responsible for maintaining the property.

Vice Chairperson Marotta stated that the trees will be planted on the applicant's property. Mr. Fordyce stated that is correct. Vice Chairperson Marotta asked if the trees could be staggered for better visual coverage. Ms. DeWolf stated that the maintenance of the solar farm property is a big part of maintaining the solar panels. Ms. DeWolf stated that the trees are shown staggered in the landscaping plan. Ms. DeWolf stated that they could add some small shrubs to the buffered area. Vice Chairperson Marotta stated that there is a discrepancy with the height of the fence in regards to the solar farm regulations having to be 8 ft. in height. Ms. DeWolf stated that she had misspoke and that the fence is 8 ft. in height and not 7 ft. Vice Chairperson Marotta asked if the property is in Agricultural District. Mr. Fordyce stated that there is not an Agricultural Exemption on the property and it is not in an Agricultural District.

Chairman Buck asked if this project is partially funded by the State of New York. Mr. Fordyce stated that the project has a contract with the State of New York. Chairman Buck asked if New York State mandates that all solar farms have to have fencing around the perimeters. Ms. DeWolf stated that is correct. Chairman Buck asked about the tax benefit with the State of New York on solar farms and asked if this project would be tax exempt. Ms. DeWolf stated that the Town of Stillwater Town Code opted out of the tax exemption for solar farms. They are looking to enter into a PILOT Agreement and have been in discussion with Supervisor Kinowski on that. Chairman Buck asked Mr. Male and Ms. Buck if they had any additional information. Mr. Male stated that there are some issues concerning stormwater. Mr. Male stated that he has received information on suggested regulations from the NYS DEC and from the State of Maryland. Ms. Buck stated in regards to the NYS DEC memo regarding the roadways suggests that the roads are considered pervious from a post construction point of view. Ms. DeWolf stated that the roadway that will be constructed follow NYS DEC guidelines so that the roadway is permeable. Ms. DeWolf stated that she and Mr. Fordyce would be willing to review the stormwater with Mr. Male and Ms. Buck.

Mr. Trainor stated that the 35-acres would be the total buildout of the solar facility. Mr. Fordyce stated that is correct.

Mr. Male stated that there is a section of the Town Code regarding stormwater that needs to be address. Ms. Buck stated that the section of the Town Code that Mr. Male is referring to is Chapter 170, Section 170-10, Part D which states “The installation of ground-mounted and freestanding solar energy equipment systems shall be considered a development or development activity for purposes of stormwater management under the Code of the Town of Stillwater.”

Ms. Marshall asked about other projects and/or other Planning Boards that the Eastern Light Partners has worked with in the past. Ms. DeWolf stated that she would submit that information to the Ms. Buck.

****Mr. Rathbun returned to the Meeting****

A motion to adjourn was made by Ms. Ferris and seconded by Mr. Bisnett at approximately 8:03 pm.