

TOWN OF THOMPSON
PLANNING BOARD
July 24, 2024

IN ATTENDANCE: Kathleen Lara, Chairman
Michael Croissant
Kristinn Boyd
Michael Hoyt
Matthew Sickler, Consulting Engineer
James Carnell, Building, Planning, & Zoning
Shoshana Mitchell, Alternate
Christina Cellini, Alternate
Steve Vegliante, Consulting Attorney
Helen Budrock, Consulting Planner

Chairman Lara brought the meeting to order at 7:00 pm with a pledge to the flag.

Steve Vegliante – I just wanted to give an update to the Board. I did meet with the Town Board’s attorney, Michael Mednick, to discuss the issues going on with Zoom and whether or not we should allow applicants to appear by Zoom any longer. We discussed keeping Zoom as a broadcast option, so that people can hear and see the meeting, but applicants or public members, who wish to comment in-person at a public hearing, will have to attend in person. The option for written comment will remain the same. Written comment will be excepted up until 4:30 the day of the meeting and will be treated the same as any in-person comment. The board will have the discretion to hold the written comment period open if they feel the need to. The Board will also have the discretion to allowing any consultants to participate via Zoom. I passed around a copy of the new notice that will be on the agendas and legal notices going forward for the Board’s review. If the Board is in agreeance and it is their pleasure, I would recommend that you make a motion for resolution amending the policy to utilize Zoom as a broadcast option only.

A motion to amend the Zoom policy, making it a broadcasting option only, was made by Michael Hoyt and second by Michael Croissant.

All in favor, 0 opposed.

Jim Carnell – Just to add onto what Steve said, the Town Board passed this resolution at their last meeting, not just for this board, but the Zoning board as well. Chairman Lara – I know that this going to be added to our website as sort of a public announcement, but we also talked about adding some frequently asked questions so that the public will have a better understanding of how a public hearing works and what is expected of the applicant. I don’t know if we have already done that, but I would love the public to have as much information as possible Jim Carnell – I have been in touch with Lindsey, the person who handles our public announcements on our web site and Facebook page, to start discussions on this, but wanted to wait to see the outcome of tonight’s meeting before we did anything. We did add some frequently asked questions and answers a few years ago, but discussed updating those. Michael Hoyt – I just want to thank Jim for all of the work he has put into this since Covid to make the changes necessary to keep these meetings going. Chairman Lara – I agree. Thanks Jim.

Chairman Lara appointed Christina Cellini and Shoshana Mitchell as alternating voting members for

tonight's meeting, starting with Christina Cellini.

ACTION ITEMS:

MONTICELLO MOTOR CLUB – SEWER PLANT

67 Cantrell Road, Monticello, NY
JR Cruz, Property manager

Hellen Budrock, Jim Carnell and Matt Sickler were all recused from this project.

JR Cruz – We are here tonight to proposed that this Board remain Lead Agency for this project. Chairman Lara – I believe the notices were circulated for that. Where there any issues there? Steve Vegliante – Right, you previously declared your intent to serve and I don't believe there was any objection to that, so you will just need to declare yourselves tonight. Chairman Lara – Alright.

A motion to declare this Board as Lead Agency was made by Kristin Boyd and second by Michael Hoyt. All in favor, 0 opposed.

VIRGINIA COHEN

3457 State Route 42 Monticello, NY
Neil Messenger, Project representative

Helen Budrock shared the proposed survey for everyone to see.

Neil Messenger – For an update, currently my entire yard is my neighbor's property and their driveway, is my property. So, we just want to swap the pieces of land so that everything makes sense. Keystone came and got it where the exchange will be for the exact same square footage and the map you guys are seeing is what was given to me.

Chairman Lara – Jim, didn't you have something to add? Jim Carnell – I was just going to suggest that if any action is taken tonight, that you make it contingent on adding somewhere on the survey the zoning distance requirements. Maybe a bulk table or something. Chairman Lara – Okay. Neil Messenger – How do we go about that? Chairman Lara – I would reach out to Keystone and have them give Jim a call if they have any questions. It is a simple thing I promise. Matt Sickler – Right, it is pretty straight forward. Jim Carnell – It is just basically a title block indicating what zoning district the parcels are in. But, if they have any questions, just have them give me a call. Neil Messenger – Okay. Jim Carnell – Also, when this project first came in front of the Board, you asked that the wells and things like that be delineated on the map and they have been. Steve Vegliante – These are pre-existing, non-conforming lots, right? Jim Carnell – They are. Matt Sickler – Each house has their own well and septic so e just wanted to make sure that they weren't cutting on of those off. Steve Vegliante – Got it.

Chairman Lara – I think we discussed this the last time Mr. Messenger was here, but this does not need a public hearing, right? Helen Budrock – I believe lot line changes are on the County's list of exemptions.

Chairman Lara – Okay. Also, once this is approved, you will have to record deeds to make it official. Neil Messenger – Yes, that I know. Chairman Lara – Okay, cool.

No further questions or comments from the Board.

A motion to approve the requested lot line change, subject to adding a bulk table with the zoning regulations to the map, was made by Michael Hoyt and second by Michael Croissant.

All in favor, 0 opposed.

ALAN KESTEN – 1 SHROEDER ST

1 Schroeder Street, Monticello, NY
Shmiel Breuer, Project representative

Chairman Lara – Tell us what is going on with this project. Shmiel Breuer – It is coming along nice and the food is very good. Chairman Lara – Tell us why there is a need for the tent. Shmiel Breuer – The tent is there for extra storage for food that was ordered and it will only be needed in the summer. Chairman Lara – And the trailer? Is it full of dishes? Shmiel Breuer – Yes. Jim Carnell – Any paper products? Shmiel Breuer – Maybe some. Chairman Lara – So, it sounds like there is a storage issue on the property. Shmiel Breuer – Yes. They want to build additional storage, but that will be next year. Chairman Lara – So, for this year you got a tent, plus the storage trailer in the back, right? Shmiel Breuer – Yes. Chairman Lara – Okay and those will just be temporary because the Board would prefer you didn't leave them there long term. And as you may know, one of the Board members lives on that road and sees them every day. Shmiel Breuer – Yes, I know. Michael Croissant – What does the DOH have to say about using the tent for storage. Shmiel Breuer – They said the tent should only be for plates. Michael Croissant – But you said that there was food being stored there. Shmiel Breuer – No, only the trailer and that is different. Michael Croissant – So, no food under the tent? Shmiel Breuer – No and you can check. Michael Croissant – Can we get something from the DOH? Do they inspect that? Jim Carnell – They did inspect it prior to them opening. Michael Croissant – While the tent was there? Jim Carnell – No, because it was before they were operating. They do an inspection prior to opening and then one after they start operations, but I don't know if that has occurred yet. They certainly have not reached out to us with any issues, but I can check with them tomorrow to see if they have been on-site since the facility has opened. I originally thought they were coming back for more of a delivery logistics thing and that they weren't supposed to have any trucks coming in off the county road, so at the last meeting I suggested that we go out and try to figure out what kind of sign(s) might be necessary or possibly some kind of break away. When I got there, I realized that they were a little in over their heads with storage of the volume of materials they purchased for prepping and packaging the food. They did actually have the tent on the site plan they came here with at the last meeting and I told them they needed to get something to keep the goods dry, so they brought in the land and sea container. Chairman Lara – Also, it looked like they black topped right up to the neighbor's fence, and I will let the rest of the Board weigh in, but I think that is a problem. I think there needs to be some kind of buffer or remove some of the black top. Shmiel Breuer – How many feet? Chairman Lara – Jim, what do you think? Jim Carnell – Enough to get a vegetated buffer in there. Maybe 5 feet because right now, it is paved right to the chain link fence. Any water that is coming off of there, will drain onto the property next door as it sits lower. Leaving the 5 feet and adding some vegetation should help with that. Chairman Lara – So, if you get any approvals tonight, it will be subject to that being done and we will have the building department over see that. Helen, can you pull up the revised site plan and point out the black topped area with your curser please? Helen Budrock – Sure. Chairman Lara – Okay, so the tent is between the black top and the

county road and the black top goes all the way to the property line, right? Jim Carnell – Yes, all the way to the chain link fence and the neighboring property is residential. Steve Vegliante – Are both the tent and the container intended to be temporary? Michael Hoyt – And what exactly is being stored in the tent. Shmiel Breuer – To me I see paper goods. Chairman Lara – So, non-perishable items? Jim Carnell – It looked like a lot of aluminum trays and some styrofoam containers. Shmiel Breuer – What does non-perishable mean? Chairman Lara – That it can't spoil. Steve Vegliante – Things that mice and other animals can't get to. Shmiel Breuer – They don't want that. Christina Cellini – What kind of tent is it? Jim Carnell – Like a party tent. Christina Cellini – So, it has sides and stuff? Jim Carnell – Yes. Shoshana Mitchell – And it fits in that little spot perfectly. Chairman Lara – Does it look okay? Shoshana Mitchell – It looks okay. Chairman Lara – And has there been an issue with traffic since the last time they were here? Shoshana – No and they cleaned up all of the pallets that could be seen from the road. Chairman Lara – Good. Jim Carnell – As you mentioned, I think they are going to be back at some point because they are going to need some kind of permanent storage. Michael Croissant – I would like to at least see the health department out there before they open and their comments on the tent and what is in it. Jim Carnell – They were defiantly there prior to opening because once all of the equipment was installed, they gave them an operating permit and we do have a copy of that. Michael Croissant – But that was before the tent? Jim Carnell – Right. Michael Hoyt – Can you remind me what kind of business this is? Chairman Lara – It is a commercial kitchen. Kind of like the one that is in Kiamesha, where the old fur building was. Michael Hoyt – So, you deliver food out to other places? Shmiel Breuer – Yes. Jim Carnell – I did also speak to Mike Messenger knowing that they were coming back because one of the questions that came up when this application was first before the Board was water usage. Originally, they calculated 4,000 gallons a day, which was based off of the number of campers, and Mike said the district could not supply that much water. So, their engineer went to another similar facility to see what they use and that was roughly 500 gallons per day. Mike said that would be okay and said that he doesn't even see a change in the water usage for that district since they have been open. Chairman Lara – Good and they have a temporary certificate of occupancy at this time, right? Jim Carnell – Yes. Chairman Lara – But they are operating right now. Jim Carnell – Yes. Chairman Lara – Okay, so how does the Board feel about granting a conditional approval tonight? Michael Croissant – I have no problem with that as long as we can see something from the DOH. Chairman Lara – I think that is fair and the DOH will have very specific conditions and let them know what they can and cannot store under there. Kristine Boyd – If we agree to approve these temporarily, how long after the season would it take to remove them? Shmiel Breuer – It shouldn't take long. Chairman Lara – So, I was going to suggest the tent be removed by September 30th, but I wasn't sure about the container as it is in the back of the property and is probably harder to remove. Jim what do you think? Jim Carnell – Right, they will probably need a flatbed to remove it. Chairman Lara – So, what time frame do you think is good because it is not permitted to stay there, right? Jim Carnell – Correct. Shmiel Breuer – Is there a way we could just move that at the end? Jim Carnell – That is up to the Board. Shmiel Breuer – So, let me just explain that they are planning to make a nice storage, but as everybody knows that takes time. The plans have to be made and then approved by you, so it will take some time. They just needed this stuff so that they can open and start making money, so that they can do this. I would say by next year they will have storage, but maybe we can get a permit for the storage container so they can keep it the right way. Chairman Lara – I don't think that is allowed. Jim Carnell – let me ask you a question, did they purchase the container? Shmiel Breuer – No, they are leasing it. Jim Carnell – I would suggest having it removed at the same time the tent is removed. If they don't get their new approvals before the next season starts and they need it again, they can come back to the Board for permission to use it again, temporarily, for the season. Shmiel Breuer – I understand. Michael Croissant – My only issue with that is that it will become a recurring thing every year instead of building something permanent. Steve Vegliante – I think we have to recognize that it is not an allowed use, so the Board can decide to give them permission to use it this year, but deny any future requests. Shmiel Breuer – Can we make it permitted? Steve Vegliante – You would have to go to the Zoning Board for that. I cannot tell you how they will vote, but I

can say that these containers are frowned upon in the town. So, it may only be allowed this year because they do want to see you succeed. Shmiel Breuer – I understand and would say that September 30th should work. Michael Hoyt – You talked about planning for an addition, but have you started anything on that? If this is something that has been talked about, have you come up with any preliminary drawings yet?

Chairman Lara – What Michael is saying is that now is the time if you have any plans. Michael Hoyt – Right and so that we can see that the process has been started and that you are not waiting until next year when you have the same problem. Shmiel Breuer – Not yet, but I will explain to them that they need to go to the next step. When I spoke to them, they said that they just wanted to get through the season because they will need time to recover. Chairman Lara – Understandable. Helen Budrock – Can one of the conditions be that they have to come back to the board with at least a conceptual site plan by say the end of the year?

Steve Vegliante – Yes, but essentially it could only be considered once that application has been submitted. Helen Budrock – Right, but at least we would have something in writing. Shmiel Breuer – I would say that would be fine. Steve Vegliante – I think what we are hearing from the Board is that they want to help you to continue to work this year and assuming that everything is removed in the 30 days following the season, they may be willing to do the same next year, if you can't get over this hump by then, as long as they see some progress. I can't speak for the Board, but it sounds like they won't be very happy and will be frustrated if next year comes around and nothing has been done. Shmiel Breuer – I understand and I will let them know. Michael Hoyt – What is your relationship to the applicant? Shmiel Breuer – They asked me to help design everything. Michael Hoyt – Okay, so you drew the design for the tenant then?

Shmiel Breuer – Yes and I have been working with Mike. Michael Hoyt – Who is the owner? Shmiel Breuer – Mr. Weiss and he asked me to represent them. So, anything you want, I have to run by him first. Chairman Lara – So, it sounds like you are going to get your approval for the temporary structures tonight, but like Joel Kohn tells his clients, if you want something for next year, you are almost too late. So, please tell your client that if they wait till next year to start this process, it is going to be an up-hill battle for them. And if they just go ahead and do things anyway without approval, it looks bad for everyone involved from the applicant side. Matt, how do we calculate a bond for these? Matt Sickler – I think the last couple of temporary tents that were approved had a flat fee. Jim Carnell – Right and I think it was somewhere around \$2,000. I believe we got an estimate from the tent company on the cost of removal. Chairman Lara – And the container? Jim Carnell – Probably the same thing. Chairman Lara – Okay and how does the Board feel about a bond for both?

All Board members agreed that there should be a bond on both the tent and the land and sea container and that both need to be removed by September 30, 2024.

Shmiel Breuer – Should we talk about the loading dock now? Chairman Lara – Yes, please. Shmiel Breuer – One of the reasons they want to do a larger dock and change it a little is because they want to load from the other side of the building. They will still come in off of Schroeder Road and drive around to the other side. Chairman Lara – I personally don't have an objection because they are not coming in off Cold Spring Road, but let's see if anyone has something to add. Jim Carnell – The only thing I would point out is what they are showing as the proposed loading dock, would be an addition to the building that would go into the set back and will require a variance from the ZBA. Steve Vegliante – Would that be a side yard variance? Jim Carnell – Because this is a corner lot, both sides would be considered a front yard. Shmiel Breuer – So, my question is you don't like the loading dock there? Jim Carnell – It's not that I don't like it, the zoning laws require a variance for it. Shmiel Breuer – There was something there before but it was smaller. Jim Carnell – I can see there was a porch or something there with an overhang that has been torn off. If you have documentation on what was there prior to tearing it off and if it meets the same setback as what you are doing now and it doesn't cause an increase, then we may be able to accommodate this without having to go to the Zoning Board. However, the overhang is quite small so I don't think what was previously there was quite the size as what you are proposing now. Chairman Lara – I do have to say that I

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prefer the loading dock be there than anywhere else though. Shmiel Breuer – So, now we will have to go to the Zoning Board for that? Jim Carnell – Correct. Kristin Boyd – Is it a 15' setback or 12' because it is on an angle? Shmiel Breuer – How much does it need to be? Jim Carnell – 40'. Helen Budrock – Okay, it is already non-conforming and they are asking to increase that non-conformity, so they will need to go to the Zoning Board for a variance. Jim Carnell – Right and originally, they weren't showing any other improvements, so it didn't have to go for a variance. Chairman Lara – I think it is worth it for you to go to the Zoning Board because I think it is the best possible scenario for a loading dock. Steve Vegliante – Especially if it improves the conditions. Jim Carnell – Are they looking to build the loading dock this year? Shmiel Breuer – Let's be very clear, they told me they wanted to finish it ASAP because they can't finish the outside of the building until they do. Jim Carnell – They did point out when I was out there that they made a lot of improvements to the building and they took off the roof and the vasade, or whatever was on there, and painted the rest of the building, but the back side is basically unfinished. Shmiel Breuer – So, they want to finish it and they told me I should make sure that if this gets approved to find out if it can be finished this week. It is not worth it for them to wait because they want to build a big storage and the loading dock won't be there. Steve Vegliante – So, the loading dock changes if they build more storage? Shmiel Breuer – Yes. Jim Carnell – They still will have to go to the Zoning Board and that wouldn't be until September because the deadline for the August meeting has already passed. Shmiel Breuer – Okay, so if we leave it as it is, what would be our conditions to get approval? Chairman Lara – You will have to pay the bond for the removal of the tent and the container, the site plan being updated with the proposed loading dock removed, and a letter from DOH stating they do not have an issue with non-perishable items being stored under the tent. Shmiel Breuer – So, I have to come back when I have a letter from them? Chairman Lara – No, you can just get a copy to the building department. Shmiel Breuer – And what about the plan? Chairman Lara – You just have to take it off. Steve Vegliante – That way when you give it to the building department to stamp, it will be correct and they can stamp it. Shmiel Breuer – So, I don't have to come back for another meeting? Jim Carnell – No, just have it removed before we can stamp it. Shmiel Breuer – Okay. Any other conditions? Chairman Lara – Removing 5 feet of the black top and planting some a vegetation buffer. Shmiel Breuer – Okay. Steve Vegliante – The corner of the building comes only 2 ½ feet from the property line on the same side that the buffer will be going, so how far back should they go? Should they stop at the building? Matt Sickler – I would do up to where the pavement goes. Jim Carnell – It ends at the corner of the building so that should be fine.

No further questions or comments from the Board.

A motion to approve a modification to the previously approved site plan to allow the use of the two temporary structures for the 2024 season, subject to an approval letter from the DOH, a \$2,000 bond for each structure, the structures being removed on or before September 30, 2024, updating the site plan, removing 5 feet of the black top that touches the neighbors fence, and put in some vegetative buffer, was made by Kristin Boyd and second by Shoshana Mitchell.
All in favor, 0 opposed.

ST. FRANCES RETREAT

South Maplewood Road, Monticello, NY
Brother Patrick, Project representative.

Chairman Lara – Glenn could not be here tonight, so he sent Brother Patrick in his place. Brother Patrick, please tell us what changes are being done.

Brother Patrick – Looking at the map, this is South Maplewood Road here and Hilltop Road here. There are

powerlines that run here and the friary and some other buildings exist around this roadway, but nothing there is changing. We have been doing a lot of work down here on this portion of the property lately and this is where we are proposing 3 of the 5 cabins. These 3 will have running water and electricity to them, so we are also proposing to drill a well there and install a new utility for electric. The other 2 cabins will be off of the existing road that runs midway through the property, but those will not have water or electric.

Chairman Lara – It is my understating that these cabins will be for meditating. Brother Patrick – That is correct. A lot of our brothers and sisters work in the city and come up here for a retreat and to get some peace and quiet. Chairman Lara – If you saw the way they re-sis the pond there, it is truly a labor of love. They did some stacked stone and it is an amazing transformation.

Chairman Lara – So you know if this is everything that you guys are looking to do on this property, or do you think you will be looking to do more? Brother Patrick – That is a good question. In 2017 I took over the task of taking care of the places up here and they have not been looked after for a while, so I have been fixing stuff up to make them more habitable. With that being said, they are getting a lot more use, thus the need to expand. Our community is kind of a young, new community, since 1987, but we are looking to grow. But I don't think that we anticipate needing more structures, I think this will be sufficient. Plus, we don't want to lose the solitude. Chairman Lara – I just want to say, and you can relay this to Glenn, if you decide that you want to develop more in the future, we are going to want to see a master plan. For now, we are okay.

Chairman Lara – Before I let Jim and Matt talk about the letter, we received from the DOH, do any Board members have any questions?

No questions or comment from the Board at this time.

Chairman Lara – So, we got a letter from the DOH, and Glenn is a ware of the letter, because they are going to want to review and approve your water service. Matt, can you explain briefly why they are asking for that? Matt Sickler – Sure. Apparently, they want to take a look at that based on the number of connections on the system. Once you are above, I believe, 5, they can regulate that, regardless of the number of people being served. I believe that is what triggered this. Brother Patrick – That is also what Glenn explained to me. Chairman Lara – Okay and Glenn will deal with the DOH on that and obviously, any approvals tonight will be subject to that. Matt Sickler – Also, I will still need to review the septic systems with Glenn, so maybe that can be a condition too.

Christina Cellini – Will there be any issues getting additional electric? I know that is an issue we have been encountering. Brother Patrick – I spoke to the electrician and he said that there wouldn't be any problems and we will install some new transformers here and here. Chairman Lara – Okay because NYSEG has come to us and asked that we make sure there is supply first and I believe that is for bigger scale project, but that doesn't mean it doesn't warrant asking.

No further questions or comments from the Board.

A motion to approve a modification to the previously approved site plan, subject to DOH review & approval of the water service connections and Matt Sickler's review & approval of the septic systems, was made by Michael Hoyt and second by Christina Cellini.

All in favor, 0 opposed

DISCUSSION/POTENTIAL ACTION ITEMS
(as determined by the board):

THOMPSON'S OWN SOLAR

Downs Road, Monticello, NY

Robert Romine, Project representative with ClearPath

Justin Seeney, Project engineer with AKRF

Elizabeth Weatherby, Wetland specialist

Tim Knowles, Project Developer

Robert Romine – We were here back in May for a sketch plan review in which we received some feedback. We now have submitted a formal application seeking site plan approval and a special use permit. At this time, I am going to hand it over to Justin to go over the site plan and at the last meeting it was brought up that there might be a height issue, so we dug into that a little more and he will go over that as well.

Justin Seeney - Like Robert said at this time we have submitted a formal application with all of the required attachments and backup. What we are proposing to do is clear 21 acres of the site to add the solar panels and some fencing around it. The panels will be spaced and there is a certain spacing requirement that the DEC recommends from a stormwater stand point and we follow those. It is meant to be, with the exception of the area with the panels, minimally disruptive to the landscape. There is not a large mass grading effort here. Again, for the stormwater we follow the DEC's spacing requirements that are based off of Samaritan Literature, which addresses the water quality aspect of the panels. Like most of these projects, we do have a small bit of traditional impervious in the form of a gravel access road and some utility pads, but those are set well into the site. There is a bioretention basin proposed right here to collect the runoff for the site. We did submit our SWPP to Matt's office for review and we will await his comments. We also had a meeting with Matt after our last discussion and went over everything and I believe we are all on the same page. Matt Sickler – Right and my office did get the SWPP, but I was away last week, so I will review that and get you some comments, if any. Justin Seeney – Another thing that came up, but I don't think we are going to get here, is photo simulations of the panels. You can't really see them from the road and that is really the point. You really only see foliage as we are intentionally leaving a buffer along Downs Road. Chairman Lara – Roughly how wide? Justin Seeney – The pinch point is 50 feet but as it goes it widens up to about 125'. Jim Carnell – And they did submit those rendering late this afternoon. Justin Seeney – Right, they weren't part of our submittal. I wanted to tell you the location these were shot from, but I don't think I have that information with me. Chairman Lara – That's oaky for tonight but when we have the public hearing you will have to supply that information. Justin Seeney – No problem.

Justin Seeney - Like Robert started to touch on, the proposal in front of you today is fully zoning compliant from a 16-foot height requirement. The intension is for the panels to stay at that 16-foot height and below. With that said, there are some really small areas for some really short durations that would benefit our project if they could have intermittent exceeds of the 16 feet. Again, that is not what we are proposing tonight, but Robert wanted to share some background on that in hopes that you could best guide us on that if we were to formalize that request. Robert Romine – I can jump back in and answer any questions the Board may have.

Chairman Lara – It is my understanding that it is a pretty steep piece of property. Robert Romine – It has some slop to it. Chairman Lara – And I think our main concern there would be stormwater and drainage, but you will work with Matt on those things.

Michael Croissant – Where will the transformers be? Robert Romine – They will be right here on the pads. Michael Croissant – So, they are not pole bound? Robert Romine – No. There will be pad mounted transformers here and the wires will run underground and be delivered to a series of poles to be installed along the road. NYSEG is going to extend service from the existing line on Cimarron Road, up Downs Road, and to the pole here. Michael Croissant – Will the poles be on the inside of the buffer or are they road side? Robert Romine – These poles will be behind the trees. Jim Carnell – Just out of curiosity, do you know what kind of physical improvements NYSEG will have to do out on the road? Again, we have had a couple of projects come before the Board at this point, and even though they have reviewed and exhausted all angles, that have resulted in other utilities improvements that occur outside of the site. And that is where I think we start to see public concern. This Board wasn't aware of those improvements and they are sometimes more intrusive than the project itself. Robert Romine – So this is a community solar project and so under the state regulations there are things we are not allowed to do if we want to qualify. One of those things are, we cannot build a line across a road. Instead, we have to ask the utility to run their line across the road and then connect to that. Basically, they have given us a report saying that they would do that and the cost, but that is in their scope. I don't know how they will facilitate that or whether they have enough road right of way to install the poles or if easements will be required or how they will even be noughted. They may not go along Downs Road. Basically, that is their scope and all we did was request to have new service at this property. Chairman Lara – So what you are saying in a nice way is that you don't have any control over NYSEG. Matt Sickler – When they gave you a cost, did they give you a description? Robert Romine – Yes. Matt Sickler – So, can you give the Board an idea of what they were thinking? Robert Romine – We did submit that report, but we redacted the cost, which we can supply to you on a confidential basis if you'd like. Chairman Lara – I don't think we need to know the cost. Matt Sickler – I agree, but it would be nice to see how many poles they are proposing. Robert Romine – At this stage, we suggested to them that we thought the easiest and most straight forward way, would be to run it down Downs Road. It is a nice road and there is plenty of space on the sides. So, they gave us a cost related to that, but they won't start digging until we make certain deposits. So, they have really only taken a preliminary look at it. Jim Carnell – Do you know if it is only going to be poles and wires, or to they have to install transformers and other such equipment? Robert Romine – It will be a direct tap; jumpers off of the existing line. Jim Carnell – From these poles? Robert Romine – From Cimarron Road and just a wire will come up here. But, in order to do that, they have studied what the delivery of that power at their existing system will do, and we have to replace a number of fuses all the way back to the Rock Hill substation, where this line originates. Those are all improvements we are paying for, but as to what they will be newly installing, for our purposes, it should just be a wire. However, once that line is in place, it can obviously be used for other purposes, such as new customers that want to build. Or possible just someone with bad service who they can switch over to that new line. I don't know if they will do anything like that, all I know is we are paying for it to be there. Matt Sickler – The poles that you show on the site plan that are back behind the vegetation, will those be just wires? Robert Romine – There will be a piece of equipment on each one of these poles. We will have a reclosure on one and NYSEG will actually own two of the poles. We will also install a recloser for them and then there will be two power meters. That is why we need four poles. Matt Sickler – Okay and how far up on the poles will the equipment be? Robert Romine – A typical pole is around 50 feet and the equipment will be mounted at the top. Matt Sickler – Okay. Maybe a photo or something of what that will look like. Robert Romine – Sure. Also, the Town has another project like this that has the same line of poles with equipment on them, because it is required for all projects like this, that you can take a look at if you want to. Chairman Lara – Jim, do you know the acreage of the Poli Field solar panels? I'm just wondering for scale purposes. That way the Board can drive by and take a look for reference if they are roughly the same size. Jim Carnell – I think it is smaller but not by much. But that was the project were the Board was unaware of the utility poles until the public started complaining. They were seeing poles and transformers and other things going by their houses, so that is why I was asking about that. Robert Romine – When that happened, did NYSEG come to you for an approval for that? Steve

Vegliante – They wouldn't because the town has no control over that. Michael Croissant – I looked back at the Poli project and they are about the same size. Chairman Lara – Okay and that one really doesn't have a buffer and this one will. Also, maybe we can reach out to NYSEG because this Board has put in some time discussing their request to have applicants reach out to them to see if they can provide service before any approvals are granted, so I think it would only be fair if they could give us some kind of an idea of what they are planning to do. Robert Romine – We would like to know as well. Jim Carnell – We do have a new contact at NYSEG and a new government liaison person, so I can reach out to them. I will send them a link to the project and ask them if they can provide us with anything they might have at this time or maybe just an idea of what they typically do in situations like this. Robert Romine – That would be great because when we tried to ask them that question, early on, and they said we would have to sign contracts and meet financial obligations before they would go any further. And sometimes we have to go out and get easements for them, which is a big deal, so if we could know that now, it would be very helpful. Chairman Lara – We do understand that they are a public utility, but anything they could provide to help us visualize what this will look like, would be really appreciated. Not just for us, but anyone else on the road it may affect.

Helen Budrock – As you have engaged Delaware Engineering from a planning perspective at the last meeting, I am going to refer this to one of my colleagues in our Albany office because he is our solar farm go-to person. He does a good job at outlining what the zoning requires and how to comply, so I will have him take a fresh look at it. But only from a zoning perspective and nothing from an engineering perspective. I will ask him to do a comment memo prior to the next meeting and I think the only thing the Board will have to do tonight is declare their intent to serve as Lead Agency. That way the applicant can work on getting those notices out and by the time the 30 days is up, they can come back and I should have the memo. Then if the board feels they are far enough along, you can schedule a public hearing. Chairman Lara – Sounds good and I wanted to say that the renderings you guys provided, was one of the best sets I have ever seen to date and I really appreciate that. Robert Romine – Thank you. Would we also be able to do the county referral, so that we can get that 30-day time frame going as well? Helen Budrock – I would have to take a closer look, but I don't think this needs one. Chairman Lara – I don't think they are close enough to any boundaries. Jim Carnell – Right. I don't think there is anything that would trigger a 239 review. Chairman Lara – Shoshana also works for the County Planning, so what do you think Shoshana? Shoshana Mitchell – They would have to be at least 500 feet away. Michael Hoyt – As the crow flies, it looks like they may be. Shoshana Mitchell – Are you a Parcel Viewer? Michael Hoyt – Yes. Shoshana Mitchell – There is a measuring tool. Jim Carnell – We have a system that we can plug the info into, so we can take a look and verify. Helen Budrock – Okay and we usually don't make that referral until we set a public hearing date anyways. That way the County kind of has that date to respond by. Robert Romine – Okay.

Christina Cellini – Will there be a buffer all the way around, or just on the Downs Road side? Robert Romine – We show a 50-foot buffer all the way around back to here where it is substantially wooded. Christine Cellini – Okay and is there any other place the poles can go or do they have to be outside the buffer? Robert Romine – They are inside. Matt Sickler – They show them to be behind the trees. Christina Cellini – Okay, then never mind.

Chairman Lara – I believe you guys also wanted to discuss the height of the panels tonight. Robert Romine – Correct. We took a detailed look at the whole site plan and every tracker to see where we might have an exceedance of the 16-foot max tilt criteria. The red areas on this plan are basically the areas that we might have an issue. The panels are 9 to 12 feet when they are flat and then swing up to max tilt. And some of the panels will exceed the 16 feet at max tilt due to the terrain. This here is a quick diagram of what is

happening with the grade and if you take a look, you can see that in some cases, the ground kind of goes up and down making one side of the panel lower than the other side. If there is a strict compliance to stay at the 16-foot height, we can go to those areas and change the programming to have them not tilt to the maximum amount as to not exceed the 16 feet. Obviously, that is a little suboptimal and we would prefer to have them tilt all the way so we can maximize the production. So, I guess my question to the Board is, do you feel a waiver might work, or would a variance be required if it is only limited in scope for a select few panels. Michael Croissant – If you are just talking about the height from the ground to the top of the panel, can you just cut and fill to avoid that? Robert Romine – We can do that, but it will be very costly and there are wetlands on the property that we do not want to disturb. Michael Croissant – You are already disturbing them by putting all of those panels there. Robert Romine – Right, but that would be temporary and cut and fill is a permanent impact. Christine Cellini – What is the maximum height they will actually be? Robert Romine – It will be 17.5 to 18 feet. Michael Croissant – How are the solar panels only a temporary impact? Robert Romine – If Elizabeth is on Zoom, she would be able to explain best. Michael Croissant – How many years will the solar panels be there? Robert Romine – 45 years. Michael Croissant – Okay, that's not temporary. Jim Carnell – I think what they are saying is they don't change the terrain, so they don't affect the stormwater runoff. If they start changing the grades, then that will change where the stormwater goes and how it will get there. Matt Sickler – So, there is a nationwide permit that covers installation of facilities like solar in wetlands. They do consider them to be temporary I guess if you look at the history and the time it has taken to create a wetland. But we can take a deeper look at that and get you some more information by the next meeting. Robert Romine – We do have our wetland specialist, Elizabeth Weatherby, on Zoom. I don't know if she can hear us, but she would be able to address that point. Elizabeth Weatherby – Sure. So, yes, the gentleman who was just talking about the stormwater is correct. There is a nationwide permit that allows up to a ½ of an acre of loss of wetlands. The Amry Corp and the DEC, although we don't have any DEC wetlands here, limit it to the physical footprint of the post. Our physical foot print across the site is 9 sq. ft., so that would be covered under the nationwide permit. There are going to be some temporary impacts associated with the construction activities, but we have fully committed to using timber mats to minimize any impact the vehicles or equipment might have to the wetlands. Robert Romine – Obviously, there will some disturbance from clearing activity, but we will use timber mats and other things like that to minimize that. Chairman Lara – I would recommend that when you have your public hearing that you explain that. It doesn't have to be something detailed, but the public will probably want to know about that. Elizabeth Weatherby – Absolutely, and there is the conversion, like Robert was just speaking to, but the plan is to maintain and plant wetland species for an emergent wetland under all of the panels, that way it will continue to serve as a wetland. Christina Cellini – What will you do with those trees? Robert Romine – Typically when clearing, the contractor will take the marketable timber and give us a discount on their price. Anything within the fence line either has to be hauled off or chipped in place. We cannot have felled trees or limbs in there because it has to be all grass. Anything outside of the fence line can be left in place, just for forest coverage and return. Matt Sickler – And they will generally use the chip dust as part of the erosion plan for filtering and things like that. Michael Hoyt – Lets get back to the height of the panels. What is the overall height? Are you looking to raise everything or just the areas in red? Robert Romine – Just the areas in red, everything else was fully complaint. Michael Hoyt – And what is the height in those red areas going to be? Robert Romaine – 17.5 to 18 feet. But nothing over 18. Steve Vegliante – So, we are talking 2 feet or less. Helen Budrock – And you mentioned it would only be at full tilt a couple times a day? Robert Romine – Correct. Shoshana Mitchell – What times will that be? Robert Romine – Once in the morning and then again in the evening for about an hour at a time. Steve Vegliante – So, this sounds like a minor variance request, but because of the nature of the project, I would recommend to the Board that they should go to the ZBA for the variance to cover all the bases. I can't tell you what the Zoning Board will do, but this seems like a fairly minor ask and to maintain the quality of the record and the project, having a variance in place would be smart. That is just my recommendation. Robert Romine – We would have to do a public hearing for that, right? Steve Vegliante –

Yes. You would do your mailings and then give that Board a quick presentation of what you are looking to do and why a variance is necessary. Robert Romine – Okay. Chairman Lara – Okay, so it sounds like you will either have to change the programming or go to the ZBA for a variance. Robert Romine – Okay. We will have to have a discussion and see which way we want to proceed. Would that hold up anything with this Board? And would this Board be able to make a recommendation to the ZBA? Jim Carnell – Yes. This Board can give a recommendation that they are in support of the project. Steve Vegliante – And you would have all the way to the September meeting because the deadline for the August meeting has already passed. Jim Carnell – And most of the time the ZBA will make a decision that night, so it shouldn't hold up the process here. Robert Romine – Okay and do we send out the public notice or do they? Jim Carnell – We will create the public notice and mailing list for you to send out and we will post it in the local paper. Then you will supply us with the proof of mailings when that has been done. The meeting will be here in the same room, just with a different Board. Robert Romine – Okay and do you think that public hearing might be around the same times as the public hearing for this Board? Helen Budrock – Probably because this Board will need at least 30 days for the circulation of the Lead Agency notices, so that would put us into September as well. Robert Romine – Okay.

No further questions or comments from the Board.

A motion to declare intent to serve as Lead Agency was made by Kristin Boyd and second by Christina Cellini.

All in favor, 0 opposed.

A motion to refer this project to the Zoning Board of Appeals for a height variance, if the applicant decides to go that route and submits an application, was made by Christina Cellini and second by Kristin Boyd.

All in favor, 0 opposed.

WISE EQUITIES

Kroeger Road & Bridgeville Road, Bridgeville, NY
Zach Szabo. Project engineer

Zach Szabo – As the Board may have heard, the Wise Equities project has a new applicant and it is same owner as the Weiss project. Chairman Lara – Just as a reminder, the Weiss Realty project is the one on the left and this project, Wise, is on the right if you are coming up Kroeger Road. Zach Szabo – This project was originally submitted back in July of 2023 and had a public hearing for that on August 8th. I believe it was held open, but I can't remember for sure and I don't have it in my notes that it was ever closed. Chairman Lara – I don't remember either, but I think the only person who came was the neighbor who has the adjoining well with Weiss. Zach Szabo – I can't recall, it was a while ago. Chairman Lara – Is this going to be a similar project? Or is he just going to pick up where the last one left off? Zach Szabo – Everything is going to be the same. Chairman Lara – Are they going to share a driveway now? Zach Szabo – No, everything is the same. This is the same submission as back in July, just with a different applicant. At this time, we have paid the escrow and application fees and are looking to continue review. Chairman Lara – If I remember correctly, the big things with these applications were the improvements that needed to be done to Kroeger Road and the Board had made the request to see if the driveway could be shared between both major projects. Zach Szabo – A shared driveway was discussed, but one was never proposed. Chairman Lara – And that was because the previous applicant for this project was not interested on sharing, right?

Zach Szabo – I can't speak to that, but the application as it stands now will have an accessible driveway. Also, I don't know where the other project is at with engineering and I think it might have even sold. Matt Sickler – I think the only things we had to coordinate were the road improvements and figuring out the issue with obtaining easements from the one side of the road. Maybe now that these applicants are in common, it will be easier to get what they need to widen the road and that is one of the things we can look at when we review this. We will coordinate with both engineers.

No further questions or comments from the Board at this time.

Chairman Lara – Where do we go from here Helen? Helen Budrock – Give me a second and to check.

Chairman Lara – Zach, what were you guys hoping for tonight? Zach Szabo – I wasn't quite sure we left off, but there were escrow and Planning Board fees that needed to be paid to move forward, so we paid those.

Jim Carnell - Just for some clarification, due to the new entity involved I had a conversation with Ross in the office, and I wasn't sure what had been submitted, but wanted to make sure those outstanding fees got taken care of. I also mentioned that whatever application or Owner's Proxy we have on file, would need to get updated before the Board could really start taking any other action. That way we can make sure everyone has the proper authority to move forward. Matt Sickler – I see a new Owner's Proxy dated for July 10th.

Zach Szabo – Right and only the Owner's Proxy was updated, but we can provide an updated application as well. Chairman Lara – Okay. I guess we will go from there and figure out what is next. And we will have to look into if the public hearing was closed or not. Helen Budrock – The notes for this project indicate that the 239 review was incomplete because they need further DOT review for the TIS and the emergency access. Does that sound right? Zach Szabo – We did submit a TIS with our application, but I will have to go back and see exactly where we are at with that. Matt Sickler – I think the TIS was jointly between the two projects, right? Zach Szabo – Yes. Helen Budrock – And it was done just last summer so it should still be valid. Michael Hoyt – I think we were waiting on our traffic engineer to also review it because we were in the middle of changing companies. Jim Carnell – I know the developer's engineer submitted a impact study to the DOT and they responded with some comments in regards to certain improvements because the intersection there is part of the county road. I don't recall exactly where we left off with CHA, but I think they did provide review of that and it should be in the Drive. Helen Budrock – I don't see anything in the dive for this project. Jim Carnell – That may be because Weiss said they were moving forward with their project, regardless of the Wise project, and the traffics consultants proceeded with the review, so it's probably in the Weiss project folder. Michael Hoyt – It sounds like you need to spend a little time to get this all straighten out. Zach Szabo – Do you know where Weiss stands with their project? Did they get final approval? Jim Carnell – They received conditional approval and were just here at the last meeting to extend it. Zach Szabo – Okay. Jim Carnell – And part of their condition, as the Board started to mention earlier, was that they needed to acquire some kind of right of way on the County owned parcel there at the intersection. As well as from the neighboring property, whose well is on their property, but I believe he is not willing to negotiate at any price, so they were working on finding another way to resolve that issue. Helen Budrock – I think that even if that traffic review was done with this project in mind, this one should still get their own study so that it is looked at with a fresh set of eyes and specifically to this project. Zach Szabo – Agreed. Jim Carnell – The traffic engineer did a coordinated review for both projects, as well as our traffic consultant, the County DPW, and the County DOT. They all look at both projects when they did the review. Matt Sickler – Right. They hired the same traffic consultant to prepare the study. Helen Budrock – Okay. Matt Sickler – Now as for the sign-offs, I don't know where that ended up. Helen Budrock – That may be where I'm confused, because they may have looked at them concurrently, but I don't see any sign offs for this project and for the record, we would need something from DOT for this project. Jim Carnell – The DOT has not signed off on either one of the projects because there are certain improvements that need to be made and I don't think the projects could come to an agreement before. However, now that they are owner by one developer, I'm sure they will be able to

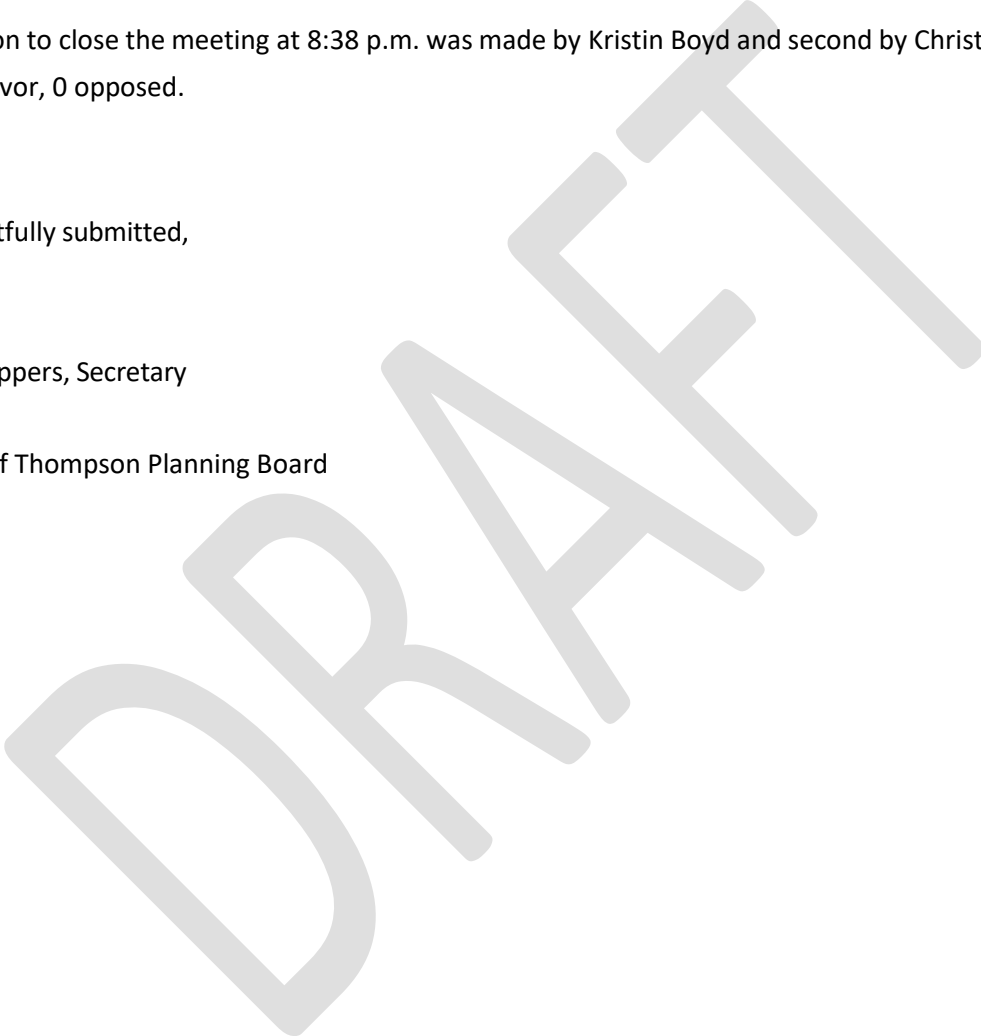
come to some agreement as to who will be responsible for the improvement. Chairman Lara – I’m going to suggest a work session be held between both applications and the involved consultants because I feel this could all be ironed out pretty easily. Then you can come back with any comments or things that need to be addressed. Zach Szabo – Okay. Matt Sickler – Maybe just give us a little bit of time to go through both projects and their statuses, so we have a better understanding of where we are at. Zach Szabo – Okay and I believe we were hoping that we could get some review comments for the site plan. Matt Sickler – Okay, I will get that in the queue and get you some comments once it has been reviewed.

A motion to close the meeting at 8:38 p.m. was made by Kristin Boyd and second by Christina Cellini. All in favor, 0 opposed.

Respectfully submitted,

Laura Eppers, Secretary

Town of Thompson Planning Board



DRAFT