
Planning Board Minutes
January 21, 2021

Planning Board Members Present: Fred Fink, Daniel Compton, Steve Lester, Matt Rogers, Michael Donohoe.

Absent: Mike Woodruff, Julie Pellett

Others Present: Kimberly Rayburn (Secretary), James Kier, (Building & Zoning), Nick & Heather Sorce (The Source Landscape for Solar Advocate Development, LLC), Virgil Jackson (Agent for Solar Advocate Development, LLC).

I. Revision to tree landscaping plan, TSP4-17 Special Use Permit/Site Plan Solar Advocate Development, LLC. Formally Abundant Solar. Tax map # 52.00-3-40.200 (Agent) The Source Landscape & Construction

Nick Sorce explained that the ground is good and the ph levels of the soil is good. He stated that the root balls of the trees that were originally planted were too small. He first discussed the upper part of the site. He stated the upper portion has plenty of water, He stated newly planted trees should grow twelve (12) to fourteen (14) inches per year and they are just not seeing it and blamed the close proximity and the root ball size for their mortality rate. The trees require eighty (80) to one hundred (100) gallons of water when they are first planted. He stated that a five (5) to six (6) foot tree will catch up in size in about two (2) years and their mortality rate will be much better. He also stated that currently there is only one (1) species of tree, and he believes you are asking for trouble by doing that. He suggests planting three (3) more types of trees along with the existing Norway spruce. a red pine, a white pine and a Serbian spruce. These trees will have a much larger root ball and be spaced differently. The upper portion is done as he did not realize he had to come in front of the Planning Board for approval. The East side fence line will be a combination of white and red pine. They are replacing two-hundred and twenty-five (225) trees. The northside / the lower field and has the highest visibility it is much different than the upper field. It is very dry and an eight (8) foot trees are pulling a lot of water from already dry soil. They have lost almost all of the trees in this area. They will not survive here without major irrigation. The suggestion again is to plant shorter trees with a larger root ball and a different planting pattern (provided). These will catch up in size and have a greater mortality rate.

Nick then went on to explain he has been in businesses for over twenty (20) years. He started in 2003 and he has been planting trees in much worse soil that we have here. He believes he can most certainty fix the issues they are having and he guarantees his work for a minimum of one (1) year. He also stated that he is in discussions with the owners to have a maintenance agreement for this site as well.

Compton asked about insect infestation, Sorce stated that's why you plant multiple species of trees. He stated there will not be pest problem. Compton also asked about dead tree replacement. He wants to know what is considered dead? Sorce stated that if twenty-five (25) percent of the tree is dead then it is considered dead. Who will make that decision? A discussion was had on the maintenance plan, Source stated it will be part of the plan and he will be monitoring them. Donahoe asked about the period of the guarantee? Source stated it starts at the end of the planting, however he is not concerned as he does not loose trees. Donohoe asked how long it will take to plant the trees? Source stated about three (3) days they can plant thirty-five (35) trees a day.

Compton stated that the current drawings show three (3) species of trees, we will need new drawings showing the three new and the current species. He also believes we should have the Town Engineer look at the drawings the species of trees and the root ball concern just to make sure they agree with the plan. Sorce stated that the trees will be coming out of Cornell. He also reiterated that they have already replaced a good amount of the trees. Rogers asked why we need the Town Engineer to look at the plan? Compton stated he would feel better if they agreed to the issue and the proposed correction of the issue since the Board promised screening for the neighbors. Lester stated that a buffer was promised by Abundant and it needs to be in compliance. Fink stated that they were charged with providing a visual screen, and Compton added it was to be two (2) rows deep with eight (8) to nine (9) foot tall trees and we are changing that. Fink stated the purpose was to screen the fence since there was no way to screen the arrays from the neighbors on that side. Compton asked Kier if he had any call regarding the dead trees? Kier stated that he has had two (2) residents call.

Donohoe asked if there was any irrigation on the site currently. Sorce stated that there is not, but he has come up with a temporary design solution if it becomes an issue. They can put a water truck at the top with a hose and gravity feed the lower sections. Once the trees become rooted, they will be fine. That is one reason he does not plant in the spring. In the winter they will sit dormant and, in the spring, the fibrous roots will push out to get water. They will not require as much water as an eight (8) foot tree, and in a few years, they can grow up to ten (10) feet tall. They grow fast if they are properly planted and properly taken care of.

Rogers motioned and Fink seconded to approve the revision to the tree landscaping plan, TSP4-17 Special Use Permit/Site Plan for Solar Advocate Development, LLC, Formally Abundant Solar. Tax map # 52.00-3-40.200 (Agent) The Source Landscape & Construction.

A discussion was held and the motion was amended by Rogers and seconded by Donohoe to include:

Whereas:

1. The plan will be updated with the Four (4) species of trees that are and will be planted
2. This plan suggests a better chance of survival and a better catch-up rate
3. Contingent on the Town Engineers review
4. Kier and Sorce do a site visit one (1) year after planting to verify the condition of the trees

Record of Vote:

**Lester Aye Fink Aye Compton Aye Rogers Aye Donohoe Aye
All Board members present voted Aye, Vote was carried unanimously.**

II. Special Use Permit (SUP) TSP5-17 Large Scale Solar Project, extension for a period of 1 year.

Delaware River Solar (DRS)- Agent Peter Dolgos, Owner of Property John Bennett located on Rt 64 N of tax map # 67.00-1-1.100

The Board reviewed the written request from DRS for an extension. Kier and Rayburn advised the Board that the Solar Attorney suggested allowing a second extension due to Covid-19. The Board decided to allow the extension of the SUP for one (1) year.

Rogers motioned and Donohoe seconded to approve the extension of Special Use Permit TSP5-17 Large Scale Solar Project for Delaware River Solar (DRS)- Agent Peter Dolgos, Owner of Property John Bennett located on Rt 64 N of tax map # 67.00-1-1.100

Whereas:

- A. Extension starts from the date the 1st extension expired in September 2020 and ending on Oct 1, 2021
 - B. A building permit must be obtained by Oct 1, 2021
 - C. Extension approval based on the original approval requirements below.
1. The following will need to be turned into the Code Office before a building permit or a certificate of compliance is given.
 2. A decommissioning plan and amount that will cover the removal of the system in the future needs to be determined, approved and accepted by the Town Attorney and the Town Board.
 3. A NYS DOT permit is obtained for improvements. The culvert is widened and lengthened as the drainage needs to be sized to take all storm water flows and to accommodate the widened condition of the driveway
 4. Delaware River Solar must comply with all Large-Scale Solar regulations from Town Code section 135-83.2 Solar Energy Law
 5. An as-built map of the installation will be provided after installation is complete
 6. Approval includes all discussions held in previous Planning Board minutes including but not limited to landscaping and maintenance hours
 7. Any future changes need to be brought in front of the Planning board for approval.

Record of Vote:

**Lester Aye Fink Aye Compton Aye Rogers Aye Donohoe Aye
All Board members present voted Aye, Vote was carried unanimously.**

III. Special Use Permit TSP2-19 Extension for David Spencer for the placement of 2 mini storage Bldgs located at 7203 St Rts 5 & 20 tax map # 80.00-1-31.000.

The Board reviewed the written request from Spencer for an extension. The Board decided to allow the extension of the SUP for one (1) year. Due to Covid-19.

Rogers motioned and Donohoe seconded to approve the extension of Special Use Permit TSP2-19 David Spencer (owner) For the placement of 2 mini storage Bldgs located at 7203 St Rts 5 & 20 tax map # 80.00-1-31.000.

Whereas:

- A. Extension approval based on the original approval requirements below.
 1. The Planning Board waves the requirement of a paved surface, and with the recommendation of Thornton Engineering, a hard-packed gravel surface will help with drainage.
 2. The downspouts will be direct piped to the drainage system and not be detached.
 3. A gated entrance will be provided
 4. On the South boarder a shadow box type privacy fence at a minimum of six (6) feet that conforms to zoning requirements will be erected to protect the neighbors.
 5. The site will be maintained by state and local laws
 6. Hours of operation will be from 7 am to 9 pm
 7. Signage- on the fence will be clear and visible with the hours of operations and a no trespassing sign. All other signage will be code compliant.
 8. A final set of drawings will be provided to the Town before a building permit is approved.

Record of Vote:

**Lester Aye Fink Aye Compton Aye Rogers Aye Donohoe Aye
All Board members present voted Aye, Vote was carried unanimously.**

IV. TS1-21, Sketch Plan for Gary Pooler (Owner) 1 Lot Subdivision. Property located at 6448 Co Rd 30 tax map# 68.00-1-72.210. Parent Parcel Lot R-2 of 46.578 +/- acres, Gary wishes to remove approximately 4.529 +/- acres creating proposed lot 10, leaving 42.049 +/- acres of parent parcel. New lot will utilize the existing driveway with an access easement.

A brief discussion was held on the maps. Rayburn will find out if Perc information is required to be on the map. The Board would like the farm note listed and all structures labeled.

Donohoe motioned and Fink seconded to approve the Sketch Plan for Gary Pooler (Owner) 1 Lot Subdivision 6448 Co Rd 30 tax map# 68.00-1-72.210. Parent Parcel Lot R-2 of 46.578 +/- acres, to remove approximately 4.529 +/- acres creating proposed lot 10, leaving 42.049 +/- acres of parent parcel. New lot will utilize existing driveway with an access easement.

Whereas:

1. Preliminary/Final maps will have the farm note
2. All structures will be labeled
3. Rayburn will find out if Perc needs to be on the final map

Record of Vote:

**Lester Aye Fink Aye Compton Aye Rogers Aye Donohoe Aye
All Board members present voted Aye, Vote was carried unanimously.**

- V. Discussion:** Rayburn informed the Board that Performance Industrial Park, LLC (Owner, Anthony Sulli) 6915 St Rts 5&20 will be coming in for 2 Special Use Permits (SUP) reviews
1. Existing Auto repair- SUP review upon change of ownership- does not require Co review
 2. New SUP for storage facility- will be sent to the Co for review 1st.

VI. Minutes:

Minutes of December 17, 2020

**Fink made a motion and Compton seconded the motion to approve the minutes 12/17/2020
All board members present at the 12/17/2020 meeting voted aye, Vote was carried.**

Minutes of January 7, 2021

**Fink made a motion and Compton seconded the motion to approve the minutes 1/7/2021
All board members present at the 1/7/2021 meeting voted aye, Vote was carried.**

VII. Meeting Adjourned:

**Donohoe made a motion and Fink seconded the motion to close the meeting at 8:30 pm.
All Board members present voted Aye, Vote was carried unanimously.**

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary