

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**October 8, 2013**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:00 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Michael Gyarmathy, Andrew McKnight, John Streit, Stan Weeks and John Bokus, Alternate. Thomas Siragusa is absent. Charlie Baker, Town Engineer, is present. Mike Hill, representing the Town Attorney's office, is also present.

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**MINUTES – September 24, 2013**

MOTION: A. McKnight

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and approves the minutes of September 24, 2013, with minor corrections.

VOTE: Ayes: Bokus, Duffney, Gyarmathy, McKnight, Weeks, Yasenchak

Noes: None

Absent: Siragusa

Abstain: Streit

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**PLANNING BOARD CASES**

**DAVID VANIER – Minor Subdivision**

Greene Road

David Vanier is present and explains that he has 12, almost 13 acres, and he would like to subdivide off a 6-acre lot for sale or to build on. T. Yasenchak refers to the map submitted and the letter from DEC regarding delineation. We will need a survey map. D. Vanier states that the wetlands and the buffer are away from any proposed building location. A. McKnight questions that the applicant is going to indicate where the existing well is located. T. Yasenchak states that there are a number of things listed on the application and the surveyor will be able to show all of that. The Board sets a public hearing for the October 29, 2013 meeting at 7:00 p.m. If we do not have the additional information we will adjourn the public hearing to the next meeting. The applicant is given a copy of the short form SEQRA to complete.

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**WILL ORTHWEIN – Minor Subdivision**

Daniels Road

Will Orthwein is present and provides copies of a survey. The surveyor has shown the gas easement on the plans. Public hearing is opened at 7:12. W. Orthwein explains that he is doing a minor subdivision. The wetlands have been delineated. One letter was received from Lisa Tracy, Daniels Road, in support of the application. This public hearing is adjourned at 7:13 p.m. C. Baker states that the plans are missing the typical notes. T. Yasenchak asks about the flagging of the wetlands. W. Orthwein states that there is a note at the bottom of the survey regarding who flagged them. T. Yasenchak asks if the applicant has additional information regarding the easement. W. Orthwein states that they have pulled the title, but have not found the exact language for the easement. It was on the first survey that was done, but the surveyor had not put it

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on the wetlands map to keep it simple. He has now added it back. They have not found the specifics on it. It runs down Daniels Road and across several driveways. W. Orthwein states that he can continue to try to find the specifics but the surveyor stated that the gas line is there, it is not in the title, he can't find any documentation of what that easement is. T. Yasenchak asks M. Hill how we should handle this and what kind of documentation should we have. M. Hill states that the Board does not need the specific documentation. The Board has recognized that it is there, and it has been added to the map so you know the boundaries. With regard to a prospective buyer, the subdivision map and any appropriate notes that would be added should put the prospective buyer on notice of the gas line easement, and then they can take that into account. The easement presumably appears on the deed and any subsequent deed would recite that out as a matter of course. He states that it is appropriate to note on the record that you have alerted the applicant to have that easement recited. W. Orthwein states that he will look further into this. T. Yasenchak states that we do need the typical notes on the plans and the wetland note should indicate that these are ACOE wetlands. A. McKnight asks that we know that there is a building envelope on the parcels that works. W. Orthwein states that the map is to scale and believes that there is plenty of space. T. Yasenchak states that the Board does typically ask for a building envelope to be shown and asks that since the survey needs to be revised, if that could also be added, and asks the applicant to get it to the Board as soon as possible.

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**ROBERT FRASER – Site Plan Review**

Locust Grove Road

Robert Fraser is present. He provides the Board with a drawing for the proposed garage and a site plan indicating the location of the proposed garage. He has also indicated the locations of his well and the neighbors'. They completed the deep hole tests tonight and they are consistent with the deep hole test pits done for the Dorsey subdivision. Public hearing is opened at 7:27 p.m. and adjourned at 7:28 p.m. T. Yasenchak asks the applicant to provide some additional copies of the information for the Board. J. Streit asks where the existing garage will be moved to. R. Fraser explains on the plans. B. Duffney states that the design of the new building looks great, it matches the farmhouse. C. Baker has no comments at this time. R. Fraser asks C. Baker if he would like to see the results of the deep hole tests. C. Baker states that those are not required for the Planning Board action, they will be required for the building permit process.

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**DAVE EVANS –Minor Subdivision; Lot Line Adjustment**

Plank Road

Dave Evans is present. A. McKnight recuses himself. D. Evans states that he has just picked up the survey plans and has not had the opportunity to review them. He explains that he would like to subdivide lot 3 into lots 3.1 and 3.2; lot 5's configuration will be changed with a lot line adjustment and lot 4 will then become a keyhole lot. He has a packet of information for the Board to go along with the survey and presents that. He suggests that he just leave the information and that it can be discussed at the next meeting. Public hearing is opened at 7:36 p.m. D. Evans explains his project to the audience. There being no public comments, the public hearing is adjourned at 7:37 p.m.

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**SKIDMORE COLLEGE – PUD – Referral**

Denton Road

Stephanie Ferradino, Dave Carr and Mike West are present for the application. T. Yasenchak reviews that at the last meeting we had gone thru SEQRA and were at the point of drafting our advisory opinion to the Town Board. M. Hill states that there are a couple of things we need to do procedurally. At the last meeting John Bokus stated that he would not be participating in the decision-making, as he did not feel that he was familiar enough with the project. M. Hill asks if J. Bokus feels that he is fully acquainted

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with the project and whether he will be participating this evening. J. Bokus states that he will not be participating in any decision-making as he feels he is not familiar enough with the project. M. Hill states that the other procedural question at this time is with regard to J. Streit and his participation. We received a letter this afternoon which all Board members should have a copy of from Dan Tuczinski's office on behalf of his clients. The letter calls into question whether, on account of J. Streit's involvement with the Kigali Medical University in Rwanda and the possible receipt of some assistance with regard to that foundation, whether or not J. Streit may have some kind of a conflict of interest with regard to the Skidmore application and whether he can be objective, impartial and unbiased with respect to the Skidmore application. J. Streit reads from a written statement and provides a copy to the secretary. M. Hill states just so that the record is absolutely clear with regard to the questions raised in the letter received by the Board, M. Hill asks J. Streit if, other than the text books mentioned in his statement that were donated by faculty members and were their individual property rather than Skidmore property, has he or the foundation been employed by Skidmore or received any money or supplies or anything of value from Skidmore with regard to the work that he has done with the Kigali Medical University Foundation or any other board or organizations that he is associated with. J. Streit states that other than the books, none whatsoever. He did not recuse himself because never in his wildest dreams did it occur to him that the very tenuous notations that this attorney concluded were just ridiculous. M. Hill thanks J. Streit for addressing it and asks if it is his intention and belief that he can be fair and unbiased, impartial and objective with regard to the Skidmore application and does he intend to continuing sitting for this application. J. Streit states that like all the rest of the members of the Board he listened to all the information that was brought to the Board on behalf of the applicant and on behalf of the opposition and he maintained an open mind and made no decision until it was declared that the process was complete, as he thinks that all members do on all applications. He states that there is no reason for him to step down. M. Hill states that with regard to the larger question, and he thinks that every member should weigh in on this question, do any Board members have any relationship with Skidmore either of the nature of employment or received any benefit, contribution, anything of value at all from Skidmore that might in any way influence their ability to be impartial or which might give rise to a question by a member of the public about whether or not you are able to be impartial. A. McKnight states that he has no connection with Skidmore or the opposition to this PUD that would influence his decision. His decisions have been made impartially. M. Gyarmathy states that he has no connection with Skidmore College or the opposition and all his decisions are made impartially. S. Weeks states that he has no connection with Skidmore or the opposition to this project whatsoever. B. Duffney states that he has absolutely no connection with Skidmore, didn't even party there when he was a kid, and as with J. Streit, he goes by what is presented to him, either for the College or the opponent. T. Yasenachak states that she does not have any connection with Skidmore or any other involved parties or neighbors. M. Hill states that all Board members then feel that they can be fair, objective, unbiased and impartial with respect to this application. If anyone feels differently now is the time to speak. M. Hill thanks the Board for going through those questions and that now would be a good time to go through one of the points raised in the letter from Attorney Tuczinski and that would be with regard to the amendment to the Town Code with regard to the wind energy facilities. The Town Code Section 105-133, regarding wind energy facilities, both in the definitions and elsewhere seems to very clearly contemplate wind energy facilities that would be connected to the grid and not solely small non-grid wind energy facilities. He states that if any of the Board members do not agree, would they please address those remarks to the Board and the public now. Board consensus is agreement with M. Hill's statements. T. Yasenachak states that in the applicability statement there is a list of types of energy facilities of which non-grid only wind energy facilities are just one of those things but that it includes all wind energy, small wind, wind measurement towers and non-grid energy. She believes that particular statement encompasses them all. M. Hill states that following the last meeting they prepared a draft of a negative declaration as well a draft of a proposed recommendation to the Town Board. In the process of preparing the negative declaration for the Board, which is the written document summarizing the SEQRA review and the decision that was made issuing the negative declaration, in the process of drafting that it seemed appropriate to draft modifications and revisions to the proposed Planned Unit Development so that the Board would be able to see the specific revisions that would be made to the PUD that would be consistent with the negative declaration that was adopted. To do that, they took the last version of the proposed PUD legislation that was submitted by the

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applicant and made proposed revisions. Tonight he distributed copies showing the proposed revisions, which are blue type in the draft. Some of the previously proposed text has been crossed out and the proposed new text is underlined. He states that he would be happy to go thru those proposed changes to explain what they have done. T. Yasenchak states that this is an inclusion of the Board's discussions, it is an inclusion of the amendments that were asked for during the review, including the mitigation measures that the applicant had agreed to. This is amended but it is nothing new that we have not discussed, it is not new information, it is just an inclusion of all of the things that we have already discussed. M. Hill states that that is an important point. There is nothing here that is added that is any different than what was discussed before. This merely shows the changes that will be made to the PUD that would be consistent with the recommendations that the Planning Board indicated that they would be making to the Town Board and changes consistent with the discussion that took place between the Board and the applicant at the last meeting. This is not introducing anything new or any new changes. M. Hill reviews the draft revisions at this time.

Section IV, Definitions, #3 – changes were made to the definition of solar facility. The purpose of those changes is to clarify that the solar facility includes not only the solar panel arrays, but also the access drives, paths, buildings, cables, wires, etc. Any other equipment, inverter equipment, etc. associated with the solar panels and solar generating facility.

Section VI, pg. 3 – there is a table indicating various characteristics, areas, setbacks, etc. with regard to the project and the revision had been inserted there indicating that the solar facility coverage is not to exceed 8% of the site. Below that, clarification that the solar panel arrays will not exceed 8 acres of the site. A. McKnight asks where the number 8% came from. M. Hill states that comes from the discussions last time and the applicant stating that from their perspective, the solar panel arrays would cover 8 acres but there would be access drives, paths, the inverter building, etc. which would be in addition to the 8 acres and the applicant, at the last meeting, indicated that they were aiming to not exceed 8% of the site.

Section VIII, Infrastructure – This section deals with the proposed bond for the screening for the trees and vegetative screening and basically the purpose of this is to clarify that that bond is in the amount of \$25,000 as previously discussed and that it will be in effect continuously, that it will be renewed and replenished as necessary so that it remains at \$25,000 as long as solar panels exist within the PUD. It also clarifies that the Board, on it's own initiative, if additional screening is necessary and that the property owner will be deemed to have consented to the planting of additional or replacement trees by the Town with the cost to be paid from the bond or other financial security if the owner fails to pay them. C. Baker states that \$25,000 is the amount that was discussed for landscaping, but we also talked about another component for removal and decommissioning. M. Hill states that is included in a later section.

Section XI, Performance Bonds – the clarification here is that additional sureties, financial security, is also required in Section VIII relating to the vegetative screening and Section XVI relating to the decommissioning of the solar facility.

Section XVI, Discontinuation – this clarifies the fact that a decommissioning plan will be necessary and the applicant will have to provide that before any building permit is issued. Likewise a proposed surety, meaning a bond or letter of credit, to cover the cost of removal and decommissioning will also have to be submitted, reviewed by the Planning Board and the Town Engineer, and have to be acceptable before the issuance of any building permit. This section goes into further detail about what happens if the use of the solar facility is discontinued, notification to the Town and a 6 month period following in which the solar facility would have to be removed. This also clarifies that the Town will have the right to utilize the bond for removal should the owner be unwilling or unable to do so.

Section XVIII, Expansion – This section provides that the solar facility will not cover more than 8% of the entire PUD site and the solar panel array will not exceed 8 acres and shall not be expanded in the future. This section also clarifies that after the solar array is installed, the only additional new use on the PUD site

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would be agricultural uses, in addition to the uses that exist there at the time that the PUD is enacted as well as the temporary large events that are provided for within the PUD legislation.

M. Hill reiterates that those are the proposed changes and the goal was to reflect the Planning Board's intentions, as they were understood from the discussions and meeting minutes. He suggests that if the Planning Board finds that the proposed changes are consistent with the discussions and that the applicant is agreeable to the proposed changes, and we should ask the applicant to state on the record whether they are, then this could be the proposed PUD legislation that they present to the Town Board if the Planning Board recommends that the PUD be approved. M. Hill states that they also prepared a draft negative declaration which summarizes the Board's review and discussion about the SEQRA review and after sending the Planning Board the draft neg dec, they thought that it would be prudent to have an addition added to the draft. That proposed addition was distributed tonight and would be added to the end of the Description of Action on the first page of the draft neg dec. M. Hill states that upon the Board's approval and direction, the Negative Declaration will be filed appropriately. T. Yasenachak reiterates that this is nothing new. We felt that it needed to be concise and all in one location so that the public and/or the Town Board when they look at it will see all of the discussions in one place and concise so that none of the details that were included in the SEQRA review would be lost. C. Baker questions that in Section XVIII, he reads it as a contradiction. 8% of 120 acres would be 9.6 acres. The whole application has been presented as 8 acres. M. Hill states that the 8 acres as they understood it referred to the solar panel arrays themselves, and if he understood the applicant's comments, they wanted to be sure that any access drives, pathways, etc, were included. C. Baker states that then that 8% includes any auxiliary spaces to the solar array. M. Hill states that the purpose of modifying the definitions was to include those items. A. McKnight states that one of the Board's concerns, which M. Hill has not addressed yet, is in Section F of the proposed resolution and it talks about noting that there are 2 PUDs adjacent to the site of the project. His question is that if we are making this PUD to be a concise description of all of our concerns, that is not something that is brought up in here. Will the Town Board be looking at all of these? T. Yasenachak states that the PUD is just the zoning language for that particular site. That is not the Planning Board's recommendation that is another document. A. McKnight states that he wants the Town Board to be able to see those concerns. M. Hill states that all three documents will wind up at the Town Board for review. The Negative Declaration, once it is finalized and approved can certainly be provided to the Town Board for its review. The resolution itself contains the report that the Town Code requires that the Planning Board make to the Town Board with respect to the proposed PUD. T. Yasenachak states that the applicant has received the amendment to the PUD language and asks if they have question or are amenable to this. S. Ferradino states that they did receive the revision this afternoon, they have reviewed it and are in agreement. M. Hill states that the Board is now in the position to consider the draft Negative Declaration. He notes that these were sent to the Board on Friday afternoon via e-mail so that the Board could have an opportunity to review it. If the Board finds the negative declaration acceptable as drafted, including the proposed addition provided tonight, then it would be appropriate to reaffirm the SEQRA negative declaration and to direct Town Counsel to file the negative declaration as it has been presented tonight including the proposed addition. If anyone has any suggested revisions or questions, now would be an appropriate time to talk about it. T. Yasenachak asks if the Board members have all read and familiarized themselves with it and if they feel that it is in accordance with the Board's discussions. Board agrees.

**RESOLUTION - SKIDMORE, Negative Declaration**

MOTION: B. Duffney

SECOND: A. McKnight

RESOLVED, that the Planning Board reaffirms its Negative Declaration decision made at the last meeting, approves the draft Negative Declaration that has been presented including the proposed addition and directs the Town Attorney's office to file the Negative Declaration as required for the Skidmore College Planned Unit Development for property located at 100 Denton Road, TM#152.-1-75.

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VOTE: Ayes: Duffney, Gyarmathy, McKnight, Streit, Weeks, Yasenchak  
Noes: None  
Absent: Siragusa

M. Hill suggests, procedurally, that we did not do an individual roll call and he thinks for formality sake we should do a roll call. T. Yasenchak asks that the Board members individually verify their decision and verify that they have read the draft negative declaration and were familiar with the information:

- Andy McKnight states that he read the negative declaration and the proposed addition and he votes Aye.
- J. Streit states that he read the draft and the proposed addition, understands it and that it be accepted and approved and votes Yes.
- M. Gyarmathy states that he has read the negative declaration and the proposed amendment and he votes Aye.
- S. Weeks states that he has read the negative declaration and the additional draft and he votes Aye.
- B. Duffney states that he has read the negative declaration and the proposed amendment and he votes Aye.
- T. Yasenchak states that she has reviewed and read the information, the negative declaration statement and the amendment and she votes Aye.

M. Hill states that the next step would be to proceed to the proposed draft resolution that the Town Attorney's office prepared based on the discussions that this Board has had with regard to the application and the SEQRA decision. At this time M. Hill provides copies of the draft to the applicant's counsel as well as D. Tuczinski, if the Board is agreeable. Board agrees. M. Hill states that at a previous meeting there was an attorney present representing some other neighbors and asks if there are any other representatives present tonight. There are not. M. Hill reads the draft resolution. Discussion takes place regarding changes to be made. In section 1, A change wording "8 acres of the site" to read "a maximum of 8% of the entire PUD site". S. Ferradino states that in the first WHEREAS it indicates "a polo field" and they actually have 2 so the wording will be changed to "2 polo fields". A. McKnight refers to section 1, D on page 3 and the screening and mitigation. He states that elsewhere it talks about the Planning Board having the option to require more vegetative screening than was proposed. He would like to make sure that we have the option to require more if necessary. Wording is added that "will, in the Planning Board's reasonable belief, adequately mitigate potential impacts to adjacent land uses and the Planning Board recommends that the PUD provide for additional vegetative screening to be planted in the future if the Planning Board deems it necessary". M. Gyarmathy questions that the Planning Board will still be able to make some kind of a determination during site plan review as well? T. Yasenchak states yes. A. McKnight states that he just wants to make sure that that sentence did not prevent the Planning Board from being able to do that. B. Duffney asks who determines that it needs more vegetation or plantings. If you plant an 8' spruce tree, in 5 years it is going to be 16' and another three feet bigger in diameter. M. Hill states that there were two questions, whether or not this Board could require additional screening at the site plan review stage and clearly the Planning Board has the authority upon the submission of a specific landscaping plan at the site plan review stage, to ask the applicant to provide more than what was presented. With regard to the future, he thinks that if this Board, either on the initiative of any Board member in viewing the site or if any member of the public approaches the Board and any suggestion or question is made about whether or not the screening is adequate, this Board would have the authority to take up that question, do a review, make a determination and if it is found to be inadequate would notify Skidmore and follow the procedure outlined in the PUD. A. McKnight asks if it is appropriate for the Planning Board as a non-elected Board to have that future responsibility or would that be more adequately assigned to the Town Board. M. Hill states that the Town Board typically relies on the Planning Board in regard to any questions related to a site plan and site plan review. It would seem that since this Board would have given any site plan approval that any question about the adequacy of the screening would come back to this Board or be raised by this Board. T. Yasenchak asks if that is the same

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way it is done with a road bond or does it go to the Town Board first. C. Baker explains that if a developer finishes a road, the process is that he has his engineer go out and look at it and then write a request to the Town Board to reduce the road bond. EDP then goes out and reviews the engineer's description and then makes a recommendation to the Town Board. T. Yasenchak states she is trying to find another example and it is a very good question. She states that perhaps when someone has a derelict building, the Town Board votes on taking it down and there is a process where they bill the owner for that. So perhaps would it go to the Town first and they would be the ones to hear the complaint first. The Planning Board does not have an application process for that. Then the Town Board could refer it to the Planning Board to make a judgment or an advisory opinion. M. Hill states that this is a rather unique circumstance with regard to this PUD legislation. This Board would have a reservation of authority so that in the event any Planning Board member were to think that the screening were inadequate, they could come back and raise that question. There would have to be a determination by the Board as to whether or not the screening was inadequate. As this is proposed, this Board would have the authority to make that determination. With regard to exactly how the payment is made and how the money is accessed by the bond, that may require that the Town Board be involved at that step since it is the Town Board that represents the Town with respect to financial matters. The bond could be written in favor of the Planning Board and the Town Board. The initial determination about the adequacy of the screening seems like it would be appropriate to be considered here. S. Weeks states that he would agree that the Planning Board should consider it but he is debating whether or not it should be initiated by the Town Board and referred to the Planning Board which would be a lot more typical. M. Hill states that they could initiate it. T. Yasenchak states that they could initiate it as well. She asks if S. Weeks is suggesting that he would prefer it to be through the Town Board initiating it and then coming to the Planning Board. S. Weeks states that would be his preference. B. Duffney states that he agrees with S. Weeks. B. Duffney states that regarding the site plan review and someone suggesting that the trees are not close enough together. If you plant too close together, they will choke each other out. He believes it should be up to Skidmore to have a professional landscaper to create a plan for them. T. Yasenchak states that is something that the Planning Board will look at that will be very specific in the landscape plan as to the maturity. M. Hill states that since there has been discussion about having the Town Board involved in that decision making and the proposed changes to the PUD were drafted with the assumption that the determination of the adequacy of screening would be made by the Planning Board and not the Town Board, so he thinks that we need to stop and determine exactly what we want and make any changes to the draft revision to the PUD, we should identify those. S. Ferradino suggests the revision to Section VIII, to state, "The Town Board or the Planning Board shall determine". M. Hill suggests the deleting the phrase "upon determination of the Planning Board" in the last sentence in Section VIII.

**RESOLUTION – SKIDMORE COLLEGE, PUD Language**

MOTION: A. McKnight

SECOND: B. Duffney

RESOLVED, that a motion is made to revise Section VIII of the proposed PUD language as previously discussed for the Skidmore College Planned Unit Development for property located at 100 Denton Road, TM#152.-1-75 as follows:

- Revision to Section VIII, to state that "The Town Board or the Planning Board shall determine"
- Deleting the phrase "upon determination of the Planning Board" in the last sentence in Section VIII.

VOTE: Ayes: Duffney, Gyarmathy, McKnight, Streit, Weeks, Yasenchak

Noes: None

Absent: Siragusa

S. Ferradino states that the applicant also agrees.

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M. Hill states that in going back to the draft resolution in the third WHEREAS, the date should be changed to September 24, 2013. M. Hill states that going back to paragraph D, the last sentence should be changed to read “additional vegetative screening to be planted in the future if the Town Board or Planning Board deem it necessary.” A. McKnight states that he is in agreement with the changes that M. Hill is proposing. J. Streit states that he agrees. M. Gyarmathy asks for clarification in Section 1, C it says “that the PUD may be subdivided pursuant to approvals granted in the future by the Planning Board”. He questions if it should say by the Town Board and the Planning Board. The Planning Board approves subdivisions but you are going to be amending a PUD if you subdivide it. We went into extensive discussion about 8% of the total PUD will be the solar array and he thinks that in this case you are going to dramatically change the PUD if you subdivide it. T. Yasenchak states that the PUD is zoning language for this particular parcel and if it is subdivided it is still the zoning language. They would still not be able to do anything beyond what is already in the PUD. If they want to revise the PUD language they would have to go before the Town Board and the Planning Board. S. Weeks suggests under H, the phrase “will be one truck accessing the site to perform maintenance quarterly”, he thinks that is optimistic and that maybe we should add “or as needed for repairs”. Board agrees. T. Yasenchak suggests that in Section B the phrase “extend from the existing gravel road” be changed to read, “gravel driveway” because in the previous language the word ‘driveway’ was used and not ‘road’. S. Weeks states that both times the word road should be changed to driveway. T. Yasenchak states on page 3, E and in F ‘roadway’ should be changed to ‘driveway’. On page 4, T. Yasenchak states that we have a preliminary SWPPP and after discussion, the word ‘draft’ should be added before ‘Stormwater Pollution Prevention Plan’. Also under F, T. Yasenchak states that the Town Board is not the one who determines the storm water controls. If it is recommended by the Town Engineer that something is needed, that is something that the Planning Board will be doing during site plan review. M. Hill states that the way this was drafted it was intended to cover a possible scenario in the future where after the project has gone thru site plan review if there is any kind of event which indicates that storm water might potentially make its way into the Putnam Brook, a requirement could be imposed on the applicant to put in a berm and at that point the project would be beyond the site plan review stage. He suggests it be revised to say “by the Town Board or the Planning Board if at any time”. T. Yasenchak suggests changing ‘solar array’ to read ‘solar facility’ in the first sentence of H and also on page 5, 3, A, (2) “for the solar panels” to be revised to ‘solar facility’. C. Baker states that in the same last paragraph, we had changed ‘site plan approval’ to ‘building permits’. His question is isn’t it more appropriate for it to be attached to the site plan approval. M. Hill states that the reason why it was initially drafted that way was that the requirement to have the bond and the decommissioning plan were put together. Logically speaking it would seem that the Board would require those at the same time. They thought that the applicant might seek the site plan approval for the solar facility and then subsequently make a decision to perhaps not go forward with a solar facility and might not want to put together a decommissioning plan and get a bond for the facility if it elected not to pursue it. That is why it was written to allow the submission of the decommissioning plan and the bond at a later date, but still subject to review and acceptance by the Planning Board and the Town Engineer. C. Baker states that once the Planning Board grants site plan approval for the solar facility, what opportunity would the Planning Board then have to look at a decommissioning plan and a bond. Isn’t the point to do that during the site plan review. M. Hill states that it can certainly be modified. The point was to allow some additional flexibility in the process of review and to avoid incurring the expense of putting together the decommissioning plan if a decision was made subsequent to site plan review not to pursue the solar facility. C. Baker states that that is creating another step. M. Hill states that if the Board does not think that is the appropriate way to handle it, then the decommissioning plan and the permit associated with it can be rolled into the site plan review. T. Yasenchak states that she thinks it is better in the site plan. That makes it consistent with the Board’s other

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processes. A. McKnight states that he wouldn't expect the applicant to go to site plan review without having thought through the decommissioning plan because that is an expense that they would have to consider. Change is made to the recommendation 3, A (2) back to 'site plan review'. PUD language is changed on pages 6 and 7 to reflect the change back to 'site plan review'. C. Baker states that he believes that a building permit would be required for the inverter building and the solar array would only require site plan review. M. Hill states that makes it all the more important to specify site plan approval stage as the trigger for the submission of the decommissioning plan. M. Hill suggests that a motion to accept those proposed changes would be in order.

**RESOLUTION – SKIDMORE COLLEGE, PUD Language**

MOTION: S. Weeks

SECOND: B. Duffney

RESOLVED, that a motion is made to revise the proposed PUD language as discussed to reflect the 'site plan review' instead of 'building permit' and "solar facility shall be conditioned upon submission" to be changed to read "solar facility shall require submission" in Section XVI for the Skidmore College Planned Unit Development for property located at 100 Denton Road, TM#152.-1-75.

VOTE: Ayes: Duffney, Gyarmathy, McKnight, Streit, Weeks, Yasenchak

Noes: None

Absent: Siragusa

M. Hill states that the Board now has a draft resolution and proposed revisions to the PUD that are consistent and the Board could move on to any further discussion and a motion to adopt.

**RESOLUTION – SKIDMORE COLLEGE, Referral**

MOTION: A. McKnight

SECOND: B. Duffney

RESOLVED, that the Planning Board adopts the resolution recommending approval of the Skidmore College Planned Unit Development proposal, for the Skidmore College Planned Unit Development for property located at 100 Denton Road, TM#152.-1-75, with the report on the application, incorporating the revisions made as a result of meeting discussions tonight and recommending that the Town Board require the applicant to make the revisions to the PUD language that were made in the draft that has been reviewed, discussed and revised, as follows:

**RESOLUTION RECOMMENDING APPROVAL OF SKIDMORE PLANNED UNIT DEVELOPMENT DISTRICT PROPOSAL WITH REPORT ON THE APPLICATION**

**WHEREAS**, pursuant to Section 105-129[C](4) of the Town Zoning Law the Planning Board received a referral from the Town Board relating to the application of Skidmore College for establishment of a Planned Unit Development District including, among other things, a baseball field, 2 polo fields and a solar facility covering a maximum of 8% of the entire PUD site (collectively, the "Project"); and

**WHEREAS**, the Planning Board was established as Lead Agency for environmental review of the proposed Project under the State Environmental Quality Review Act ("SEQRA"); and

**WHEREAS**, on September 24, 2013 the Planning Board determined that the application was complete for purposes of its SEQRA review; and

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**WHEREAS**, in response to comments, questions and concerns expressed by the public and the Planning Board, the original submission was supplemented and revised and certain modifications were made to the proposed Project during the Planning Board's review; and

**WHEREAS**, on September 24, 2013 the Planning Board adopted a SEQRA Negative Declaration for the Project; and

**WHEREAS**, on September 24, 2013, the Planning Board determined that the application was complete for purposes of making its recommendation to the Town Board for approval, approval with conditions or modifications or disapproval of the application pursuant to 105-129[C](6); and

**WHEREAS**, under Section 105-129[C](6)(a) of the Town Zoning Law the recommendation must be accompanied by a report on the application which includes a discussion of the proposal's compliance with certain specific criteria;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Planning Board makes the following determinations, which shall constitute the report required by Section 105-129[C](6)(a) of the Zoning Law;

A. The proposal conforms to the Town's comprehensive planning objectives.

The Comprehensive Plan states that the plan for Greenfield is to remain largely rural with large residential parcels. Questions were raised about whether 8 acres of solar panels with minimal intervening green space would create a visual impact inconsistent with the intent of the Comprehensive Plan to maximize green space in the Town. By comparison, wind energy facilities, which are permitted throughout the Town, typically involve towers set far apart, with compatible uses such as agriculture dispersed underneath them. The maximum residential development in the underlying zoning district would likewise be more spread out and include more intervening green space. Although the location of the solar facility is a fairly intensive use of a maximum of 8% of the entire PUD site, the totality of the PUD maintains a significant amount of open space and an agricultural view shed along Denton Road when compared with other uses that are allowed in that District. In light of the fact that the Project includes 112 acres of green space and vegetative screening to mitigate the view of the solar panels, and that the PUD legislation includes a requirement for a bond or other financial security to ensure the long-term maintenance of the screening and a prohibition on expansion of the solar facility, the Planning Board determines that it is consistent with the objectives of the Comprehensive Plan.

B. The proposal meets the intent and objectives of a Planned Unit Development as expressed in [§105-129A](#) of the Zoning Law.

In Section [105-129A](#) the Town Board declared its intent to encourage innovations in development and greater flexibility in siting, design and type of structures permitted under certain circumstances in the Town. The Project is innovative and allows greater flexibility in siting a solar array within the PUD. The Project will preserve open space by limiting development within the PUD to the existing uses and the new solar array, which cannot be expanded. The existing uses that will remain are

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recreational uses which are encouraged by both the Comprehensive Plan and §[105-129A](#) of the Zoning Law. The location of the solar array will preserve trees, topography and water features to the extent possible. Utilities and streets are not proposed as part of this Project. However, the gravel access driveway for the solar facility will extend from the existing gravel driveway in order to avoid creating an additional curb cut.

C. The proposal complies with the general requirements listed in §105-129B of the Zoning Law.

The total area of the Project is approximately 120 acres, greatly exceeding the 15 acre minimum. As any type of use is permitted within a PUD, the Project complies with this requirement. A PUD may be located in any area of the Town where the proposed development of the site meets the objectives of Section 105-129. As discussed throughout this Resolution and particularly paragraph B above, the Planning Board believes that the Project meets these objectives. The intensity of the proposed land use is appropriate given the amount of open space to remain and the fact that the most intense use will be adequately screened from view and prohibited from expanding. All of the land included within the PUD is owned by Skidmore College. The PUD legislation provides that the PUD may be subdivided pursuant to approvals granted in the future by the Planning Board; however, no subdivision or other transfer of property is proposed in connection with the Project. Any resulting lots would remain subject to the requirements and limitations of the PUD.

D. The uses proposed will not be detrimental to the natural characteristics of the site or adjacent land uses.

The Planning Board has conducted a thorough environmental review of the Project under SEQRA and adopted a Negative Declaration indicating that the Project will not have a significant adverse effect on the environment. Impact on adjacent land uses were considered, particularly in evaluating the potential visual impacts of the Project and the related impacts on neighborhood character. The Applicant prepared a Visual Addendum to the EAF which was reviewed by the Planning Board in making its determination that the screening proposed as part of the Project will, in the Planning Board's reasonable belief, adequately mitigate potential impacts to adjacent land uses and the Planning Board recommends that the PUD provide for additional vegetative screening to be planted in the future if the Town Board or Planning Board deem it necessary.

E. Each phase of the development, as it is proposed to be completed, contains the required parking facilities, landscaping and utilities necessary to create and sustain each phase individually.

The initial phase of the Project involves installation of the solar facility and the fence and additional trees that will screen the solar panels from view. The only site development proposed or needed in connection with this phase is a gravel access driveway to be used for maintenance of the panels. An expansion of the parking area for the baseball field will be constructed by Spring of 2014. The two phases are not interrelated and each phase contains the required elements.

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- F. The proposal is conceptually sound in that it meets local and area-wide needs and the proposed roadways, pedestrian system, land use configuration, open space system, drainage system and scale of elements function singly and cumulatively and conform to accepted design principles.

In general, the Project meets these requirements. Addition of solar energy addresses a universal need for reduction of fossil fuel use. As noted above, the only vehicle access will be a gravel driveway for repairs and quarterly maintenance of the solar facility. The only new land use included in the Project is the solar facility which has been situated to minimize possible impacts on the surrounding area. The Project will maintain approximately 112 acres of open space, a significant portion of which will be used for recreational purposes. The drainage system has been analyzed in the draft Stormwater Pollution Prevention Plan ("SWPPP"). Although the draft SWPPP determined that the 50' riparian buffer along the existing on-site wetland will be adequate to mitigate quality and quantity of stormwater runoff and the solar facility is also outside of the 100' wetland buffer established by the Department of Environmental Conservation, the Planning Board recommends that a berm, stormwater detention pond or other control measures discussed and agreed to by the Applicant during the Planning Board's review should be required by the Town Board or Planning Board if at any time the Town Engineer determines that stormwater runoff is likely to affect water resources on the Project site. The existing uses and the open space to remain function cumulatively to minimize the potential impacts of the scale of the solar facility. The Project is subject to Site Plan Review which will further evaluate these elements on a more detailed level.

The Planning Board noted that there are two PUDs adjacent to the site of the proposed Project. This concentration of exceptions to the underlying zoning suggests that the Town Board may wish to review the zoning designation for the area.

- G. There are adequate services and utilities available or proposed to accommodate the development.

The demand for services at the Project site will not change as a result of the Project and the solar facility will not require Town services or utilities other than access to a suitable meter for connection of the solar facility to the electrical grid.

- H. The traffic generated by the proposal will not have an adverse impact on the existing transportation network.

The only additional traffic generated by the proposed solar facility will be one truck accessing the site to perform maintenance quarterly or as needed for repairs. The Project will not change the current uses of the baseball field or polo practice fields except that expansion of the parking lot at the baseball field will eliminate the need for vehicles to park along Denton Road during games. The traffic generated by the proposal will be negligible when compared to traffic typically associated with other types of development. The PUD legislation includes a requirement that if the Applicant wishes to conduct any special event in the future which is likely to attract more than 100 attendees, a Special Use Permit must be granted by the Planning Board which would include an assessment of potential traffic related to that event.

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2. The proposal is in compliance with Chapter 49, Environmental Quality Review, of the Town Code, and on July 18, 2013 the Environmental Commission determined to express its approval of the Project based on environmental factors to the Town Board.

3. The Planning Board hereby recommends approval of the proposed Project with the following conditions to the Town Board's approval:

A. Although the proposed Project includes vegetative screening that the Planning Board believes will reduce any potential visual impacts and related effects on community character to an acceptable level, the Planning Board thought it would be prudent to make provisions in the PUD legislation in case the screening proved to be insufficient or needs to be replaced in the future. The following additional revisions to the PUD legislation were considered appropriate to ensure that the vegetative screening remains effective and that the solar panels will be removed if they are not used in the future:

(1) Applicant to provide a Bond or other financial security for installation, maintenance and replacement of vegetative screening of the solar array. If drawn upon, the Applicant shall replenish the Bond or other financial security so that it consistently remains at \$25,000 as long as any solar panels remain within the PUD. If additional or replacement vegetative screening is deemed necessary at any time by the Town, the Applicant will either plant or install such screening or the Town may draw on the bond in order to provide the additional vegetative screening. The Applicant shall not object to any such draw and shall allow the planting or installation of such additional or replacement vegetative screening.

(2) Applicant shall provide a Bond or other financial security in an amount sufficient to cover the reasonable cost to remove the solar panels, together with a de-commissioning plan for removal of the panels if their use is discontinued for any reason. The amount of the Bond or other financial security, as well as the de-commissioning plan, shall be reviewed by the Town Engineer and must be approved by the Planning Board prior to issuance of any site plan approval for the solar facility.

The Resolution was duly adopted by the following roll call vote:

VOTE: Ayes: Duffney, Gyarmathy, McKnight, Streit, Weeks  
Noes: Yasenchak  
Absent: Siragusa

- T. Yasenchak states that she is opposed on the one basis that she still feels that it does not conform to the Town's Comprehensive Plan in this location.
- A. McKnight – Aye, agrees to adopt the resolution as discussed tonight
- J. Streit – Agrees
- M. Gyarmathy – Agrees
- S. Weeks – Agrees
- B. Duffney – Agrees

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The meeting is adjourned at 11:33 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary