

TOWN OF GREENFIELD

PLANNING BOARD

January 28, 2014

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:03 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Michael Gyarmathy, Andrew McKnight, Thomas Siragusa, John Streit, Stan Weeks, and John Bokus, Alternate. Charlie Baker, Town Engineer and Mike Hill, Town Attorney, are present.

MINUTES – January 14, 2014

MOTION: B. Duffney

SECOND: S. Weeks

RESOLVED, that the Planning Board waives the reading of and approves the minutes of January 14, 2014, as presented.

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

Noes: None

Abstain: Siragusa

PLANNING BOARD CASES

JAMES MOSSO – Minor Subdivision

Brigham Road

James Mosso is present. B. Duffney recuses himself. T. Yasenchak asks the applicant if he has had a survey done yet or is looking at having one done. J. Mosso states that he has had some survey's done and he wants to be able to sell one piece of the property. T. Yasenchak states that then he has not had a survey done yet of the two as separate parcels. J. Mosso states that the north side has been surveyed and the south side partially surveyed. He shows these maps to the Board. T. Yasenchak states that it appears that there will be 17.68 acres on the north and 22.89 acres on the south. She asks if the applicant is just planning to subdivide but not develop either of them right now. J. Mosso explains that there is one pin missing from the previous survey on the south side. S. Weeks states that the road looks like a natural divider to him. He does not have any questions at this time. J. Streit states that the road is a natural division and the applicant is not applying for building anything on the new site. He does not see any reason not to approve it. C. Baker states that this is a straight-forward, natural subdivision. T. Yasenchak states that it is within the Board's purview to waive a public hearing and the Board has done that in the past with natural subdivisions because it is already pretty much viewed as two parcels. Board consensus is that they agree with waiving a public hearing. T. Yasenchak states that the Board can vote on this but cannot sign off on it until we have an official map that shows this as two separate parcels. J. Mosso asks if the Board is saying that he needs to have this surveyed. C. Baker states that in order to file a subdivision with the County Clerk he must have a survey map and in order to sell the lot. J. Mosso questions that the Board needs a stamp on it to be signed.

RESOLUTION – J. Mosso, Public Hearing

MOTION: A. McKnight

SECOND: J. Streit

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RESOLVED that the Planning Board waives a public hearing for the application of James Mosso for a minor subdivision of property located at 246 Brigham Road, TM#126.-1-71.1 as this is a natural subdivision.

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

RESOLUTION – J. Mosso, SEQRA

MOTION: T. Siragusa

SECOND: J. Streit

RESOLVED, that the Planning Board reviews Part 1 and completes Part 2 of the Short Form SEQRA. All questions are answered “no” and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Minor Subdivision of James Mosso for property located at 246 Brigham Road, TM#126.-1-71.1.

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

RESOLUTION – J. Mosso, Minor Subdivision

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board approves the application of James Mosso for the Minor Subdivision of property located at 246 Brigham Road, TM#126.-1-71.1, contingent upon:

- Receipt of signed and stamped survey map with the Town of Greenfield’s Standard Notes

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

T. Yasenchak reiterates that the applicant needs to get a survey map, with the Town of Greenfield’s standard notes.

PRESTWICK CHASE – PUD Amendment

Denton Road

Luigi Palleschi and Dave Pentkowski, Attorney, are present. T. Yasenchak states that at the last meeting we finished the SEQRA and the Town Attorney was going to discuss language for the PUD as well as some other issues and questions that have arisen with the applicant’s attorney. One of those questions that has come up is about the 25 acres that was green space, the original ownership of that and how it came to be part of Prestwick Chase versus Country Squire. The Board had asked about that a while ago because in the original EAF that was submitted in August 2013 for the existing PUD, in the narrative it refers to 25 acres of green space. The question that has arisen is whether or not that 25.5 acres was actually part of the Country Squire space during that subdivision and how does that affect what we are doing now. How did that 25 acres get annexed into Prestwick Chase? D. Pentkowski states that as best they can figure out, apparently when Country Squire was approved, there was a notation put on the map referencing leaving this area as open space. They have had Northway Title do a search on this to see if there was anyone retaining title on any of

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the Country Squire lots and currently there are not. The property developer at the time was a corporation that no longer exists. At some point they conveyed that property to Prestwick. He states that he does not know if that was ever intended to be operated as a Home Owners' Association, he does not know the history or the timing. In his conversation with Ross Petitjean, he was not able to shed any more light on it than that. The title agent who would be insuring the title for the applicant tells them that they don't know what it is, that there is nothing that can be enforced as far as they were concerned with respect to that parcel. D. Pentkowski states that there is a map floating around that showed that notation and they can do some more research. T. Yasenchak states that we do have some old minutes and she reads some excerpts. She states that at the time it seems that the open space was relatively important for the subdivision. We will provide copies of the minutes to D. Pentkowski. C. Baker states that the key to the 1991 minutes is that it was approved as a cluster subdivision. T. Yasenchak states that part of that cluster subdivision was a requirement of having the open space. The 1996 amendment states that it was to be open space. D. Pentkowski states that all they know at this point is that Country Squire conveyed the property and there was not retained ownership by either the developer or the Home Owner's Association or any other entity. It was apparently addressed in the original PUD for Prestwick as the proposed use was part of the golf course at the time which would have required the removal of vegetation, but not necessarily any structures. He states that the title search shows that there does not appear to be any entity in a position to enforce those restrictions on that. T. Yasenchak states that we will research it a little more because if we approved a subdivision and just because the Town did not take that green space over, we can't necessarily just annex it into something else and then develop on it. That is the question that comes into play. D. Pentkowski states that they are proposing to offset that particular green space which is all owned by the same property owner and from their review no one has enforcement against that. L. Palleschi explains 2 exhibits that he has prepared with green space proposals. Exhibit #1 is the existing 25 acre green space area. Exhibit #2 is the revised 25 acre green space and the majority of it follows the existing PUD with the exception of the units closer to Daniels Road. They have included in that green space the 50' buffer and the trees that will be added to provide the screening for the residential neighborhood. The rest of the green space is almost exactly the same as what the existing intent was. The existing green space allowed a 9 hole golf course and in order to have that, a lot of the vegetation and the trees shown on the aerial photograph would be removed to accommodate the 9 hole golf course which he would think would have more of a visual impact from the Country Squire subdivision to the project. He feels that with this proposal they are keeping that open space all wooded and vegetated with the wetlands and the uplands, which provides the buffer that he thinks that the Planning Board wants to see here. It had been agreed to remove the 6 acres behind P. Goutous' property from the PUD amendment. That would be part of the 25 acre green space and made it continuous along the western portion with the 50' buffer, so that not only are you providing a buffer to Country Squire, you are providing a buffer to the west which was important for the Bed and Breakfast as well. T. Yasenchak asks if any of the Board members have any questions regarding the 25 acre green space at this time. T. Siragusa states that in summary, there might be existing green space that we really can't touch or they might not be able touch, but there might not be a homeowner or a landowner who might care other than the Board itself, and that the applicant is proposing not building in that green space but shifting it. T. Yasenchak states that they are proposing to still have 25.34 acres of dedicated green space on this project, it would just be reconfigured. L. Palleschi states that with the proposal before the Board, with those units up closer to Daniels Road we have had many public hearings, heard the public comments and not one resident, that he recalls, had one issue with those units in particular. They have gone thru the noise analysis regarding the air conditioning which would be sensitive to that existing corner lot on Daniels. J. Streit states that there will be some impact change to the person most to the east along Daniels Road, but that has been mitigated by the additional buffering to the properties along Locust Grove Road. He feels that this adds more protection to other land owners than it detracts. T. Yasenchak states that they always had the 50' buffer in there that we had required. She asks how we go about finding out the legalities of the development within what was originally supposed to be green space. M. Hill states that we need to research those meeting minutes to see what the Planning Board decided back in the 1990's when Country Squire Estates and Prestwick Chase were originally approved. He states that D. Pentkowski has said that he has had the title company do some research as to whether or not there are any

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deeds or property owners that could be identified that might have some basis to enforce the existing green space restrictions. It would be helpful to have some additional information about that, perhaps a letter or something from D. Pentkowski and/or the title company. Once we have that information, the applicant is indicating what they would propose for reconfiguration of the green space and if the Board is satisfied that there are not any legal problems with changing the configuration of the green space, this Board would have the authority to consider the applicant's request to reconfigure that space. T. Yasenchak asks if it could possibly be in any of the Country Squire deeds about the green space, not because it was part of their property but because it was part of the overall subdivision. D. Pentkowski states that he believes that has been researched, they can check and provide copies, but it is his understanding from the title company that there is nothing in those respective deeds. S. Weeks states that in his mind the impact always has been buildings 37, 38, 39 and 40, and how that gets very close to the property owners at the west. It is very important for him to know whether or not that really has always shown up as green space and the neighbors all identified with that and assumed that was going to remain the same. He does not have too much issue with the 4 units on the other side of that access road, but those 4 are pretty important to him in terms of the intrusion on the neighbors. He states that it really does need to be resolved. M. Hill states that Country Squire Estates was apparently approved as a cluster subdivision to begin with and ultimately if the green space is reconfigured it would probably be appropriate to have a notation on the map indicating that the green space is being reserved because of the cluster subdivision that was approved and refer back to the time of the original approval. T. Yasenchak states that C. Baker had given the Board something that indicates the green space on the map entitled Country Squire Estates. She states that if someone could look that up and get the Board some more information on how they can proceed. M. Hill states that he anticipates that he and D. Pentkowski will have some exchanges back and forth as they find some more information. B. Duffney asks how much buffer runs along Daniels Road and the property listed as belonging to Haynes. L. Palleschi states that it is 50' and there is a 50' buffer to buffer the perimeter of the PUD. They have done that before and it is a requirement in other municipalities. T. Yasenchak states that we do have a requirement for buffers between residential and some commercial types of uses. M. Gyarmathy states that he does not understand how the original green space was allocated, it wasn't given to a Home Owners' Association, and it was just owned by the developer? T. Yasenchak explains the various ways that it can be handled. L. Palleschi states that Exhibit #3 is a depiction of the construction phasing. He spoke to F. McNeary and they did feel that it is right to have this construction phasing. The confusion was phasing it for approvals, that is not what they are looking to do. They want to come in with a full detailed site plan – the infrastructure, the units, etc. – and get that approved. Then during that site plan review they would have construction phasing. He explains the construction phases as they appear on the exhibit. L. Palleschi states that we had discussed the secondary entrance off of Daniels Road and there is currently a road off of Daniels which a truck could easily use, even when phase 3 isn't built out, as a temporary construction entrance. T. Yasenchak asks about the completion of that road for emergency vehicles and the rest of the occupants to be able to use Daniels Road. L. Palleschi states that it will be a temporary construction access that emergency vehicles would be able to use until the final phase 3 construction is complete. T. Yasenchak states that up until that point all the residents would still have to exit out Denton. A. McKnight states that he thought that one of the reasons for phasing it was to kind of frontload the blasting, which has to do with the road continuing so that they can get the infrastructure drainage under it, which would say that construction phase 1 would have to include that ultimate road. L. Palleschi states not necessarily. They looked ahead at the construction of this so phase 1 would handle the storm water, the sewers, the water line and make that internal loop. The sewer all drains gravity to Denton Road into a pump station. So you can complete phase 1 and provide the sewer, water and storm water infrastructure. There is a separate storm water area for phase 2 and phase 3 so you could then do phase 2 and continue right off with that for the sewer, water and storm water. The phasing that he has shown does not affect what A. McKnight is saying. In other words, the blasting would not be done at one time here now. The blasting would be done as part of phase 1 to get the utilities in, then when those units are sold you go to phase 2, etc. A. McKnight states that the other question would be if this takes up to 90 months, is the dirt road going to be adequate for construction traffic and emergency vehicle traffic. That was one of the reasons the Board wanted the secondary entrance, was so that there would be adequate access from both ends. L.

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Palleschi states that if phase 3 never goes thru, they would have to build that entrance road to Daniels Road and it would become paved and become a permanent access to Daniels Road. A. McKnight states that it would seem to him that to make sure that that happens it would need to be part of construction phase 1 otherwise the Town and the Planning Board has no enforcement mechanism for making sure this happens. L. Palleschi states that he thinks that the temporary access would accommodate what A. McKnight is concerned about as far as the emergency access. A. McKnight states that with what L. Palleschi just stated, if phase 3 never happens, where would the Town's enforcement rights/action be to make sure that there is a fully paved road out to Daniels Road. L. Palleschi states that it would be part of the approved site plan. B. Duffney states that you do not want to put in a fully paved road if you are going to tear it back up and run septic lines, etc. A. McKnight states that is why the fully paved road would have to be part of construction phase 1. B. Duffney states that with the way they are phasing this, they would have to have a good road to put construction vehicles, etc., on that road. L. Palleschi states that during site plan review maybe that entrance would be part of construction phase 2. S. Weeks states that sounds more logical to him. J. Streit agrees with that. T. Yasenchak states that as we go forward with the review of the PUD language, if we are going to have any type of phasing or construction phasing, it may be relevant to note that. A. McKnight states that the question is if we as a Board would be satisfied if construction phase 1 got done and 2 and 3 never got done, and there was never a fully paved road out to Daniels. T. Yasenchak states that is a good question. M. Gyarmathy asks about the road that goes to the water tower and if that was gravel. L. Palleschi states that it is a gravel road and he has driven on it. A. McKnight asks if you can put a cement truck on it. L. Palleschi states he probably would. T. Yasenchak states that we do have requirements for driveways for emergency vehicles. She states that in the SEQRA review that roadway was also to help dissipate the traffic from the whole development so that not all the traffic was going to Denton. L. Palleschi states that part of that traffic analysis stated that the entrance/exit onto Daniels had a minimal amount of traffic. J. Streit states that construction phase 1 could be done all by itself as indicated. Its only proximity really is to the existing facilities. As soon as we start to talk about construction phase 2, then we should talk about whether that road should be put all the way through to Daniels Road. He states that the question that A. McKnight is rightly concerned with doesn't need really to be addressed, because you have emergency and construction access off of Denton Road that is sufficient for construction of phase 1, then A. McKnight's points are entirely relevant that we should include that road as part of phase 2 to Daniels. M. Gyarmathy states that he kind of agrees with J. Streit, but he thinks that because of the size of this development that is the reason we wanted the road thru to Denton. He states that initially when we talked with F. McNeary he stated that he was willing to do that and he does not know how it will affect the infrastructure, or if there is a way that he could run the infrastructure along the side of the road or a conduit for it. M. Gyarmathy states that he believes that the Planning Board initially stated that there was a need for that road to go all the way from Denton to Daniels in the first phase of construction. L. Palleschi states that he can talk to F. McNeary about that, but it is costly and a long run to include as part of phase 1. M. Gyarmathy states that he would even be fine with the road base in without topping it off. L. Palleschi states that we had talked about that even for the temporary trucks. Instead of utilizing the existing one, where we are proposing the road, that's where we make the new temporary access for the construction vehicles. A. McKnight asks how many maximum additional residents would be in construction phase 1. T. Yasenchak states that a brief glance at the draft declaration that M. Hill has prepared, he does note about the 2013 traffic analysis that states the number of additional trips and that there is enough capacity on Daniels to maintain an acceptable level of service. That was with the project being completely built out. L. Palleschi states that there are roughly 135 units in phase 1. A. McKnight states 270 people. L. Palleschi states that there is the potential for 270, as a maximum. M. Gyarmathy states that he thinks it would be a big plus for emergency vehicles coming from Maple Avenue to go in from Daniels. S. Weeks states that he thinks that initially they need a construction road and then as part of phase 2 the road should be completed. C. Baker states that he is still hung up on calling these construction phases. He asks if the applicant is seeking approval for the whole entire site plan. L. Palleschi states yes. C. Baker asks how the phases are going to be triggered. L. Palleschi states during construction. DEC has one constraint where you cannot have more than 5 acres open at any one time. They are proposing the construction as it is laid out on the plan. That sort of goes in hand with the storm water because we know

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that as part of the construction phase 1, we can get that storm water to storm water area 1, and then phase 2 and 3 would be the second set of the erosion and sediment control plan. C. Baker states that his concern is that once the Planning Board grants site plan approval for the whole development, and this is a large development, the potential is there for 90 months of construction. What he has seen with projects of this size is that the project is broken up into phases and the phases are approved individually. That would be his recommendation to consider something like that. That way the Board can control the project as it moves along, if there are problems that arise they can be addressed in the next phase. If the Town gives a blanket approval for the whole site plan, you are giving up that opportunity, because you won't have a chance to see it again. A. McKnight states that that was a big part of the discussion at the last meeting and he thought that the consensus was that the Board wants some way to control the phasing. L. Palleschi states that he thinks that the Town does have control through a building permit. The Town would not issue a building permit if the project was in violation of something. T. Yasenchak states that that is something that would have to be included in any action. If it is done by construction phases the Planning Board would not see it again. D. Pentkowski states that one other issue with this project that is unique is that this is going to be maintained as one unit always. For financing purposes it creates a real problem for the applicant if he does not have the whole site approved in general. They have to mortgage the whole piece and to try to do that without an approval could be insurmountable for them. M. Hill states that to C. Baker's point, typically after a site plan approval is issued this Board does not see the applicant again. He states that he wonders if there could be a provision written into the PUD legislation that would provide for a site plan review which he thinks would address the concerns that might arise on the financing side, but would also specify that the construction would be accomplished in phases, in accordance with the submission by the applicant, and that a separate building permit would be required for each phase and that the applicant would come back in front of the Planning Board prior to requesting the building permit for each phase so that the Planning Board could have an opportunity to address any potential concerns. This might be more relevant to the second and third stages. Then the Board would have the opportunity to talk with the applicant again and make sure that whatever conditions that might have been imposed with regard to the first phase were adequate and if there needs to be an adjustment made in those conditions. M. Hill states that it is possible for the Board to think of an alternative to regular procedure because you are dealing with PUD legislation that is still in the process of being written. J. Streit states that it seems to be a clear road for all of us. T. Yasenchak states that we would like to be able to see it as it progresses, but we do understand that the lenders have specific needs. D. Pentkowski states that it sounds like something that they could work with as long as they could show the lender that they do have site plan approval. M. Hill states that in the original PUD legislation for the existing PUD, has some detail in there about phasing and it describes what is going to happen in each phase and it also addresses performance bonds that would be applicable to those phases. Maybe we could take that as kind of a model and there could be some revisions to it for the proposed amendment that would incorporate some detail about phasing, about building permits, and also performance bonds that might be applicable to those construction phases as well. D. Pentkowski is agreeable to talking about this. T. Yasenchak states that at the last meeting the Planning Board was told that the intent was to build the infrastructure all at once. She states that she thinks we are becoming a little more realistic. It is something that we could have the two attorneys look at to draft language that we can have in our PUD. L. Palleschi states that in site plan review they can further detail, unless the Board wants a revised exhibit now. T. Yasenchak states that in revising the PUD language, they could describe in writing how the phases would progress and what authority the Planning Board would have to revisit it to make sure that it is progressing according to the desired intent and to the PUD. She states that we really need to get the green space figured out before we take action on SEQRA as well as before taking any action on the PUD. M. Hill asks if the Board is going to review the information submitted by the Environmental Commission regarding lighting. T. Yasenchak states that F. McNeary had discussed with the Board his plans for lighting and given the Board a spec sheet on the lights he intended to use. They would be down lighting which was specifically to cut out any excessive lighting. She thanks the Environmental Commission for the information on Dark Skies and light pollution. L. Palleschi states that F. McNeary had stated that he does not like the existing light posts. T. Yasenchak states that what F. McNeary had proposed for light fixtures was adequate and that they definitely were in

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keeping with what the Environmental Commission has suggested.

SKIDMORE COLLEGE – SITE PLAN REVIEW

Denton Road

Stephanie Ferradino, Dave Carr, Mike West, Greg Boyer and Mike Parillo are present. S. Ferradino states that we made a submission to the Planning Board including a response to C. Baker's letter, a culvert sizing data sheet, a revised site plan drawing, inverter shed plans, a decommissioning plan and a site safety plan. She states that when they were last here, C. Martino explained the landscaping plan. After that meeting, they went and met with a company who would likely install the trees and the applicant was told that their spacing was off. The spacing that was provided for the last meeting would not insure the thriving of the trees, so they asked the applicant to move the spacing out by 5'. The spacing is staggered in two rows of trees in front of the cedar fencing. They have made that modification and it was included in the plans that the Board was provided. One of the items in the PUD talks about a discretionary decision by the Board about whether site plan costs need to be bonded. That is something that the Board may want to address this evening. She states that it reads "a surety may be required by the Town in an amount and for a duration required by the Planning Board to guarantee completion of the work to be performed pursuant to the building permit." They are hoping for a very quick installation of the site.

A public hearing is opened at 8:20 p.m. Paul Bouchard, Denton Road, states that, begging the obvious, the Town is starved for tax revenue and in the world of magic there is misdirection to obscure the actual issue. He believes all the fighting over the cosmetic screening, etc., although valid in its own right, really is not the main issue. The main issue is that Skidmore is shielding a commercial electric company, setting a commercial facility in the area, which is taxed at a higher rate because it had in the past been considered desirable, and that this project will also reduce the desirability of the area, therefore opening the door to everyone on Denton Road to appeal their assessments and also that the Town would not get the equivalent tax revenue that it would get if the commercial venture was actually approved as a commercial venture and not disguised as some sort of academic exercise. Wendy Stein, Larkspur Court, asks if this is a commercial enterprise or not, who actually owns this array? She thinks that there is something from a tax standpoint that definitely should be decided probably before it is approved. From what she has read, this is a power purchase agreement and she believes that Dynamic Solar is the actual owner of the array and is selling the power to Skidmore. If that is the case that is a commercial enterprise and therefore may be a taxable entity. As a tax payer in this Town, if that is the case, she would like to see it taxed. W. Stein states that she read thru the decommissioning plan and the cost is clearly called out along with the details for doing that, but it was unclear to her who was actually responsible for shouldering the cost of the decommissioning and if that could be elaborated on. She read thru the safety plan, which focuses on worker safety during construction. She can't really tell from the diagram what type of safety measures are in place for people who wander into this. It is a 2 megawatt utility, 2 megawatts can kill people. You have a fairly large young population around here that is known to not necessarily do intelligent things and there is also a fairly large older population around here, who are sometimes not really capable of doing safe things. She states that it would seem prudent to insure that this facility is not reachable. That it is basically fenced the same way any other 2 megawatt utility would be fenced with very secure fencing that is basically impenetrable from the outside. Another issue is fire fighter safety and emergency response. She has pages from a Fire Fighter Safety and Emergency Response for Solar Power Systems report from October 2013; she reviews some items from the report and gives the Board a copy. She states that it would seem appropriate that the Saratoga Springs Police Department, Saratoga Emergency responders and the Greenfield responders had an appropriate evacuation plan in place. Another question that she is not sure has been addressed is that of the well-known issue of intermittent power, voltage variation. This is why solar power is not really wide-spread yet, because integrating into the grid is not always easy. She discusses that the level of voltage variation

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is significant and can cause brown outs, outages, etc. She states that there are studies that have indicated that a single cloud passing over for 15 seconds can reduce output by as much as 60%. She discusses that the hospital is nearby, there are a number of medical facilities nearby and they all require a very consistent source of power. She is assuming that National Grid is responsible for somehow handling this. It would seem appropriate to find out from National Grid what their plan is to mitigate voltage variation. She questions if there is going to be on-site battery storage technology to help mitigate any issues with that, has the hospital or the medical facilities been notified of this. She questions the mechanism for nearby residents for addressing voltage variations. She states that solar power is just starting to make inroads into this country. She believes that Skidmore can confirm that this is the first 2 megawatt power plant, not being run by a utility, and outputting all the power into the grid that she is aware of in New York State. She does not think that there are too many of them in the United States either. From that standpoint, knowing that it is an intermittent and variable source of power, that it would seem really important to make sure that National Grid has explained to the residents how they intend to handle this. Bob Hyndman, Denton Road, states that as a follow up to W. Stein, as far as fire safety for solar arrays, Duke Energy has a really good brochure that is actually created for fire fighters. He gave a copy of it to the Town Board when they had a public hearing on this project. Regarding the safety issues and power surges, right now on Denton Road they are going to have a 2-million watt, 8-acre solar array at one end. He is curious, because it happened pretty quick, if the Board knows how many solar panels are at Stewart's or how many kilowatts that array is. He states 2405, 600 kilowatts. NYSEDA describes it as coming under their large rating. That is what went in real quick in August/September. They didn't want to be any part of the Skidmore plan and he understands why. He states that they are bookended with two large solar arrays coming in. Neither of them are buffered, neither of them have any battery backup, they are raw energy, they have the inverters. The Stewart's array is essentially one-third the size of the Skidmore array. He states that his neighbor has 50 panels next to him and he thinks that is the least of his problems, or none of his problems. He states that back in November or December they brought to the Town the idea of doing a moratorium to get a better handle on what is going on here or these things will be popping up all over. He states that none of us knew what was being brought for us to look at. B. Hyndman states that is why he thinks the moratorium was a pretty good idea. He asks how they are going to be protected now. He states that he is in a pretty rough spot on Denton Road having on both sides this type of damage available to him. He states that he has seen what a lightning strike will do in seeking out the buried power lines. This type of surge has been described as a similar type of problem. He asks if he is just supposed to eat it with his homeowner's insurance, where is the liability for this, who is responsible for it? Is this just part of the luxury now of living on Denton Road that he is paying a 40% higher tax on his lot because he is in a desirable location? He is asking the Board with whatever it is they have before them as far as site review, whatever the Board's position allows them to do, this thing has passed and is going forward and now he wants the Town to look out for him, for the residents of the area. He provides the Board with some information from NYSEDA on Stewart's that he printed today. There being no further public comments, this public hearing is closed at 8:38 p.m.

T. Yasenchak asks if the applicant can address what precautions are in place should someone wander in to the site; address the fire department questions in regard to what special training may or may not be needed for the fire department; are there any Material Data Sheets on these units that describe any potential hazardous effects and also the surges that were discussed and how those are being addressed, maybe what National Grid has asked the applicant to do with regard to that. S. Ferradino states that most of these questions can be addressed by Dynamic because they have the expertise and the experience. She states that the array is fully fenced, the inverter will be housed with the structure for which the Planning Board has plans and that will be locked. The Fire Department will be provided with either the keys or a Knox box on the site depending on what they prefer. They will have full access to both the array and the inverter housing unit. Mike Parillo, Dynamic Energy, states that being an electrical system, this system should be handled just like any electrical fire. As part of the PUD they are to present a training program and a response plan to all local fire departments prior to system commissioning and the plan is to do that. Much of that will be getting familiar with the site, walking them thru the components, the safety shut-downs, etc.

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T. Yasechak asks that M. Parillo speak to the concern that it is not just the familiarizing with the equipment, but also if there is any special equipment that the Fire Department needs to have in order to fight a fire there, etc. M. Parillo states that there is no special equipment that is required. A. McKnight asks if there is any toxicity that is different than a normal electrical fire. M. Parillo states that there is not. T. Yasechak states that during the PUD review the applicant was asked the difference between the units that the applicant is putting up versus other cells. M. Parillo states that there are other cells that contain Cadmium Telluride and other toxins. B. Duffney states that he had asked during the PUD review if anyone could be electrocuted if they hopped the fence and tried to smash one of the solar panels and was told that they could not. M. Parillo states that is correct. S. Weeks states that one other safety issue that was brought up early on was the fencing issue. He states that it is still his understanding that this fence is going to be 8" above the ground. M. West states that that was at the request of the neighbors, not the applicant. S. Weeks states that he really does not understand that. He states that he could not slide under an 8" high fence, but his 11 year old could easily and he does not understand why we are putting up a protective fence that young kids can easily get under. That is a huge issue with him for safety. M. Parillo states that that was at the request of the neighbors for small animals, but they could lower the fence. J. Jayco states that he was the one who requested that and the object was that they were concerned for the small animals. He states that geese will land in there thinking that it is water and then they would not be able to fly out because geese can't fly directly up. He does not think that a small child can crawl under an 8" high fence. S. Weeks reiterates that it is a huge issue for him and he does not think that it is correct. He thinks it is dangerous and would not vote for it. M. West states that they would work under the direction of the Board. They were trying to accommodate the neighbors. S. Weeks states that he is a lot more concerned with kids than he is geese. He does not think that you want to let a lot of small animals in this area. He does not see how it is going to help, it does not seem appropriate. He has seen some other solar arrays and no one has a fence off the ground. B. Duffney agrees and states that the two he visited had the fences going directly to the ground and they were chain link fences. J. Bokus asks if the output from the inverter is going to be tied to the grid. He asks what the voltage value is of that output. M. Parillo states that he would have to look at what the voltage output of the inverters is. They have been working with National Grid since March of last year and they received interconnection approval from National Grid in September. They have a meeting with National Grid tomorrow, they are well aware of the project; they have run it thru all of their engineering. They do a very, very thorough analysis of how these types of systems interact with the grid. They went thru the same process with Stewart's and they don't make these decisions in a microcosm. They make the decision on the Skidmore project in conjunction with what is already in place at Stewart's. They are very well aware of how their grid interacts with this system or even a house on a street. Not saying that the two interact with each other, but a house interacts with their grid. The applicant's system interacts as well and the two don't touch each other. M. Gyarmathy asks if National Grid is able to turn on and off the applicant's system. M. Parillo states that the system is synchronous with the grid. When the grid is down, by code, their system has to go down. Their system will never back feed the grid, it has automatic shutoffs. Their system cannot back feed the grid in that manner that is going to send voltage out to the grid. If the grid is down, their system is down. A. McKnight states that last year, for his company, he hooked up 2 megawatts to the grid and it was a long process to go thru the engineering process from National Grid's standpoint and the company's standpoint, for them to make sure that they could handle adding 2 megawatts to their system. He is just backing up what M. Parillo is saying. They are very thorough in making sure that their system can handle things because they have customers to take care of. B. Duffney questions that then basically the responsibility of a possible power surge would fall back to National Grid, because they have allowed someone to hook into the grid. M. Parillo states that the way that their system is configured and the way that it is required to be configured with National Grid, there are no power surges from their grid. M. Parillo states that there is power going to the grid, but there are no power surges that are going to affect any house on the block. B. Duffney asks about cloud coverage. M. Parillo states that it floats, there are no spikes. He states that they have installed many of these systems on businesses similar to Stewart's and they see absolutely no difference between solar electricity and grid electricity. They are completely synchronous; there are no issues with voltage, none of those concerns. He states that this technology has been proven time and time again with regard to this particular issue. National Grid has

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studied this project as well as any system that gets interconnected to their grid to the utmost. They do all the in depth engineering. B. Duffney states that during his trips to Vermont and Massachusetts, as he talked with the neighbors, they did not indicate that there were any problems with surges. T. Yasenchak asks if there is something that the applicant can get for the Board in writing from National Grid in which they could address this issue. G. Boyer states that their system is fused at multiple locations, so even if something did happen, there is no way for it to feed back because the fuses would pop. That would stop all power once the fuse pops. There is really no way to have a power surge go back to the grid for that reason. He states that they are fused on the AC side, the DC side and also on the utility side before they actually connect it. M. Parillo states that one of the checks is that there is going to be a third party solar engineer who is reviewing this engineering on site, apart from National Grid. There are multiple checks and balances. He states that those engineers who are signing off on what is being done, the interconnection into and National Grid allowing them to interconnect, that in and of itself is evidence that there are no issues. The third party engineer that is going to be coming in and reviewing, that is evidence that there are no issues. T. Siragusa states that T. Yasenchak asked whether National Grid could provide some kind of assurance, but we are mentioning a third party engineer. Would we have access to those signatures? C. Baker states that we did request copies of all final electrical inspections and certifications be delivered to the Town. He believes that the applicant's response was that they would be. T. Yasenchak states that the applicant was asked for a decommissioning plan, but did the applicant give the Board a plan or maybe the steps on how they commission a project – they have a third party engineer; as part of the commissioning they do take the fire fighters thru a training program – just have it listed out so that the Board understands the process, because some of these things are not something that the Board looks at during site plan or installation. Something so that we know that they are following a specific process. M. Parillo states that is part of the building and electrical review process. S. Ferradino states that G. McKenna will be integrally involved with the process and it is her understanding that the Town will select and the applicant will pay for a third party engineer who is well versed in this type of application so they will guide the Town thru this process. She states that will address all the issues. T. Yasenchak states that it will at that point, but for the site plan review; it doesn't have to be that detailed, but maybe just something in general. Based on the concerns that people brought up, if you listed that those items are going to be addressed during that, it might help with the site plan review process. M. Gyarmathy states like a system start up plan. M. Parillo states that they have a full commissioning plan. T. Yasenchak states something for the general public to understand that there is a process in the commissioning that will safeguard the public. G. Boyer states that he will take the Board thru the last few weeks of the project which is when all of this will happen. Before they commission the project, they will have the fire department out to the site, they will go thru everything, perform their training with the fire department. At that time all of their inspections will be done, the third party engineer will already have signed off on everything, the Town will have all the approvals, they will do the training and then will go into their commissioning plan. The commissioning plan – they have their engineer, their construction people on site and they go thru the entire system again testing every connection, every fuse, every piece of equipment on the site. S. Ferradino asks if the Town's engineer is present during this phase. G. Boyer states that they are always invited to be present, they are rarely present, but they are more than welcome to be present. The third party engineer may very well want to be there. After they do their commissioning plan, they submit everything to the utility and the utility goes thru their final process of filing the paperwork, making sure that everything was installed as General Dynamics says it was installed. They will come out and install a new meter and then they will physically connect the site to the line. J. Streit asks about how many installations they have done and how many fires they have encountered. M. Parillo states that they have installed 85-plus systems, they have encountered no fires and they have been in business for 7 years. A. McKnight asks a question about the voltage. G. Boyer states that it is under 100 – it is in the 48 to 49 range. The Board continues its discussion of the fence issue. A. McKnight states that he agrees with S. Weeks that protecting children is more important than protecting Canadian Geese, as much as he likes them. Maybe we could go to 4", then a kid couldn't get under that but a rabbit could. B. Duffney asks if the fence is going to be constructed and brought in in panels, or constructed on site. M. West states most likely panels. D. Carr reiterates that it is half cedar and half chain link, so the chain link will obviously just be stretched around the posts.

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J. Jayco asks if he can address the Board since it has to do with this question. He states that the problem they have in the area is that the geese are a very large migratory bird, thousands of geese land there. He states that they tend to see these panels thinking they are water and land there. They are concerned that if a large group of birds get caught in there, what happens. Who is going to go and try to get them out of there? He states that they had discussed this with Skidmore and to mitigate the concern they had raised the fence. J. Jayco states that he understands children and maybe there is a way to figure that out, but this was the concern of the neighbors. He states that this Board's job is to take care of the neighbors. T. Yasenchak states that the public hearing is closed, she has granted a little bit of leeway, but it is closed. The issue is, and it is something that we have dealt with before in site plans and on the Planning Board, when people bring up things such as 'I was walking on the property'. She states that if they are underneath there and we are concerned about children, then they are trespassing. This is not public land, it is not park land, they shouldn't be there. B. Duffney comments that if children are that small, where is the adult supervision? T. Yasenchak states that is just another way to look at it. Both are very valid points. T. Yasenchak states that if it is from a public right-of-way, they would have to run across the whole entire field otherwise the parent has them there in a trespassing capacity. S. Weeks states that the fence is for security and if it is not a fence that comes close enough to the ground, then it is not secure. T. Siragusa asks if Dynamic Energy can comment on geese and solar panels. M. Parillo states that they have not had issues with any birds with their solar panels. T. Siragusa asks if there is any study that they know of it that suggests that geese are attracted to solar panels because they think it is water. M. Parillo states that he does not know of any. M. West states that the panels are pretty angled as everyone saw from the panel they put up. There are installations that are more flat, so he thinks there may be a difference here. T. Yasenchak states that we may ask the applicant to do a little more research on that. B. Duffney asks the distance between the panels. G. Boyer states it is 7 1/2'. S. Weeks states that he would be fine if the fence were lowered to 4" off the ground, he thinks that is a good solution, it accommodates the things we need to do. A. McKnight states that would make it difficult for a child to get under. T. Siragusa states that it has to be impossible. He states that S. Weeks is right; it is not secure unless it goes to the ground. If it is 4" or whatever that number is and a kid could get stuck underneath it, that would be worse. He states that he is all for geese and rabbits, but if the purpose is security, then it should go to the ground. T. Yasenchak states that from building code perspective, any railings need to be less than 4" apart. The code states so that a 4" sphere cannot pass, that is specifically for a child not to be able to get their head stuck between balusters. M. Gyarmathy states that he agrees with T. Siragusa and S. Weeks, it should go to the ground. After further discussion, T. Yasenchak states that it looks like the Board is looking for the fence to go to the ground for the protection of any children and in keeping with regulations that require fencing around pools, etc., in the same manner. B. Duffney asks when the screening will be placed – during, before or after the installation. D. Carr states that it is weather dependent, but their understanding is that they have to be up before the switch is flipped. From a weather/winter standpoint, there is going to be work done prior to the screening being put up, but the screening will be put up as soon as weather permits. Early April would be the earliest you would want to. D. Carr states that with the soil conditions that we have out there, and C. Baker can speak to that, it would be prudent to do some of the heavy lifting in winter - some of the clearing, some of the gravel road construction – to get that out of the way while the ground is frozen would be better and then the trees would go in as soon as possible. All mitigation has to be in place prior to the system being energized and the trees are part of the mitigation. T. Siragusa states that the landscaper suggested 15' separation off center, but that just means less trees overall. He asks how long there will be white space between the trees. D. Carr states that there won't be, there will be at the tops because of their shape, but the way it is designed is 15' on center and then there is a row behind it 15' on center which is off set so that they fill in. He originally had them 8 to 10' on center and the landscaper's feeling was that given the size of the trees, the majority of which are 20' tall, that over time the trees would become less dense and it would actually be counterproductive to what we are trying to do. T. Yasenchak asks what the average width of the trees will be. D. Carr states that they are 12 to 15' wide. T. Yasenchak states that as to the inverter shed, she would like to see something other than just painted, plywood on the sides. She would like to see something that looks more barn-like. The purpose was to make it look like an agricultural building. S. Weeks states that on the elevation plans it does not give the overall

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height. He states that we know what it is supposed to be from other plans we were given, but it is not on the elevation plan. T. Yasenchak questions the insulation for the walls. During the original review it was supposed to be fully insulated. G. Boyer states that they will be using 2" ridged insulation throughout the whole building. M. West states that the plans will be updated. C. Baker states that he did go thru the revisions that were submitted. One comment that he discussed with D. Carr was the anticipated construction schedule. They want to start as soon as the Planning Board approves the site plan and they get the building permit, which could potentially be next week or whenever the Planning Board makes the final decision. His concern is the soils. It is going to be very difficult to work on those soils when they get wet in the spring, as D. Carr mentioned. He thinks it is very important that they have a construction meeting so that everyone knows how this thing is going to progress, because his concern is that we could have a real sloppy mess out there. C. Baker agrees that doing a lot of the heavy work while the ground is frozen, is probably the most appropriate thing, otherwise, they would have to wait until June or July before the soils firm up again before they get in to work. Regarding the estimate for the decommissioning plan, which he believes was somewhere around \$359,000. He agrees in concept with that number and he thinks that the Board has to decide whether or not they feel comfortable with it. That number is projected out 20 years. If we are in agreement with that number, then the process is that we make a recommendation to the Town Board, the Town Board then approves the letter of credit or the bond. If at some point the project is not decommissioned properly then the Town has some instrument to go in there and make sure that it gets done. The second item that requires bonding is the landscaping. We had discussed at \$25,000 bond set up for the life of the project so that if additional screening or replacement is needed, there would be some money set aside for that. The Planning Board has to consider those two items and make a recommendation to the Town Board. S. Ferradino states that the \$359,000 was actually the 20 year projection and is part of that \$225,000 for year one. B. Duffney asks if C. Baker is comfortable with that. C. Baker states that he is and that we have done similar things with road bonds. T. Yasenchak states that S. Ferradino was going to ask the Board for a waiver. S. Ferradino states that the PUD allows for a bond to be put in place to guarantee that the site work is done. She states that they anticipate a very short period of time in which they will be under construction and before they are able to commission the project. Typically those occur when you have public roadways or that type of thing where there is a need for the Town to insure that the work gets completed, curbing, that type of thing. That is not really the case here. They have an incentive to do all the site work so that they can commission their project. If the Board wants them to get a bond, they will. They don't see the necessity for the site work because they cannot commission the project and they are moving as fast as they can to commission it by the end of April. T. Yasenchak states that this is different from the landscaping and the decommissioning. She states that the performance bond is not the landscaping bond or decommissioning. S. Ferradino states that there are two mandatory and one discretionary and this is the discretionary one. M. Hill states that it would be appropriate for the Board to impose a condition that would require the applicant to obtain the bonds for purposes of decommissioning and landscaping in amounts that are consistent with the review by the Town Engineer with regard to the appropriateness of the amounts and in a form acceptable to the Town Counsel, and approved by the Town Board so that covers the requirements as far as the process for the bonds. C. Baker states that the Town Attorney reviews the bonding language and the Town Engineer reviews the estimated amount and makes a recommendation to the Planning Board. If the Planning Board agrees they make the recommendation to the Town Board. S. Weeks asks C. Baker's recommendation on the issue that was just brought up. C. Baker states that regarding the posting of bonds for construction, his feeling would be that a large portion of the money is coming thru a grant from NYSERDA, so it is obviously in their best interest to complete this project. He does not have a strong feeling one way or the other. If we are going to have a bond in place for decommissioning, his feeling is that if they get half way thru this and they don't finish it, then he does not see why we can't use that decommissioning bond if need be to be able to restore the site. M. Hill states that the Planning Board's condition could be specified that way, that the Town could draw upon the decommissioning bond for completion in the event that Skidmore did not complete the facility. M. Gyarmathy states that the performance bond seems to be redundant. C. Baker states that it is set up now that after two months of inoperation, then the Town can draw on the bond. He does not see a reason to double bond.

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T. Yasenchak reads from the decommissioning plan. A. McKnight states that it reads ‘no intention of continuing’, that activates the decommissioning bond. Discussion takes place as to whether or not the application should be deemed complete. M. Hill states that based on past practices, the Board should make a formal decision on whether or not it is complete, but before that the landscaping plan has been changed and is different from what was considered prior to making the recommendation to the Town Board and doing SEQRA review. The Board should ask itself, in light on the changes and revisions the applicant is now proposing, whether the SEQRA negative declaration is still effective or would any of the changes make the Board think that there might be a significant adverse environmental impact. If not the Board should reaffirm its negative declaration. T. Yasenchak reviews the changes being made to landscaping and the road location. She states that more trees were added to the site than originally reviewed. The Board consensus is that the changes that have been made were positive changes.

RESOLUTION – Skidmore College, SEQRA

MOTION: S. Weeks

SECOND: B. Duffney

RESOLVED, that the Planning Board reaffirms its original SEQRA determination of a negative declaration, as the changes that have been made to the site plan are of a positive nature and do not have any significant adverse environmental impacts, for the Skidmore College request for a Planned Unit Development on property located at 100 Denton Road, TM#152.-1-75.

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

RESOLUTION – Skidmore College, Complete Application

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board deems the application of Skidmore College for a Site Plan Review for its Planned Unit Development on property located at 100 Denton Road, TM#152.-1-75, as complete.

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

M. Hill states that the Board should review Section 105-96. T. Yasenchak states that that section refers the reader to Section 105-54 and items A – Q which should be addressed in site plan review. Each item is reviewed and discussed. All items have been discussed in SEQRA review or site plan review, where applicable. “N” is discussed in some detail as there are guidelines for some areas of the Town, however, they are not applicable in this case and there are none specific to this zone.

RESOLUTION – Skidmore College, Site Plan Review

MOTION: A. McKnight

SECOND: S. Weeks

RESOLVED, that the Planning Board approves the Site Plan Review application of Skidmore College for its Planned Unit Development on property located at 100 Denton Road, TM#152.-1-75, contingent upon:

- **Fence shall extend to the ground and not be elevated**
- **Spacing of the trees shall be as shown on latest revised site plan**
- **Inverter building shall be sided in such a way as to make it look barn-like**

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- **Bonds for decommissioning and landscaping (for initial planting and to ensure landscaping continues for life of project) are required and shall be in amounts reviewed and approved by the Town Engineer and reviewed and approved as to form and content by the Town Counsel**
- **A pre-construction meeting shall take place between the applicant and the Town prior to the start of any work on the project**
- **The applicant shall comply with all requirements of the Town of Greenfield Building Department**

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

DISCUSSION

T. Yasenchak refers to correspondence distributed tonight from neighbors of Old Stone Ridge. She will discuss this with G. McKenna and inform the Board at the next meeting. The developer did cut trees in an area where he was not supposed to. They have not submitted a new site plan for the Planning Board's review yet.

Meeting adjourned at 10:07 p.m.

Respectfully submitted,

Rosamaria Rowland
Secretary