



TOWN OF
BEEKMAN
New York

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TOWN OF BEEKMAN PLANNING BOARD

Minutes of Thursday, January 19, 2023

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, January 19, 2023 at 7:00 PM at the Beekman Town Hall.

The following members were present:

Chairman- John Frustace
Peter Poltrack
Robert Lopane
Jayson Abbatantuono
Faye Garito

Also present:

Conservation Chair – Clifford Schwark
Town Engineer - Dan Koehler
Town Attorney - Craig Wallace

J. Frustace - Noted the emergency exits
Led the Pledge of Allegiance
Called for a moment of silence for military and first responders.

PUBLIC HEARING

- 1. Cemco Development Group** – Lot 2 & 3 Boyd Re-Subdivision
Pleasant Ridge Road
Grid # 6859-00-434759
Zone R-135

J. Frustace – Change in agenda. Public hearing will not take place as the applicant has requested adjournment to the February 16, 2023 meeting.

R. Lopane – Asks if a motion needs to be made.

C. Wallace – Asks if it was noticed for today for the public hearing.

D. Koehler – No. It was an adjournment, date specific, from previous meetings. They're waiting on information from the Department of Public Works, and we didn't want to move until we knew what the disposition is with the Department of Public Works.

DISCUSSION

J. Frustace – Questions order of agenda items.

P. Poltrack – Asks who is in attendance representing Greenhaven Solar and if Sparrow's Nest can precede other agenda items.

- 1. Sparrows Nest** – Site Plan-Special Use
Clove Valley Rd & Town Center Blvd.
Grid # 6759-00-465462
Zone TC

D. Koehler – At your request, I did prepare a Part 2 and Part 3 of the short environmental assessment form (SEAF). We did make one minor change with regard to the response to #9 in Part 3. Our recommendation is that it was a negative declaration based on no or small impacts for the entire project, but we did write that narrative if everyone has had a chance to take a look at it. If everybody agrees with it, we would suggest that you move on that. The applicant has also asked, if that happens, if we would be in a position to send a referral to the zoning board of appeals for the variance.

F. Garito – Motion to accept the short environmental assessment, Part 2 and Part 3, as submitted. Seconded by P. Poltrack. All in favor. Motion carried.

F. Garito – Motion to offer a referral to the zoning board. Seconded by R. Lopane. All in favor. Motion carried.

D. Koehler – What they would be looking for is if it was a positive referral or if there were any reasons behind it. One of the ambiguities of this project is that it is in the town center, which calls for things to be up front toward the road. There is also, within our code, supplemental conditions for special use permit, such as charitable foundation facilities like they are asking for, which say it is supposed to be 100 feet back. They met that with the intent of, and some guidance from this board so I think you might want to say, if you're going to make that referral, that there was a reason behind it and it would be that it was more in compliance with the supplemental conditions within our code and fit better with the character of the neighborhood considering the library across the street, etc.

F. Garito – I concur

D. Koehler – It would be like 90 for the front yard setback.

J. Frustace – Asks who will be writing the letter. Confirm it is Chairperson.

D. Koehler – Offers to assist with letter.

F. Garito – Wasn't one of them that they need to have more acreage?

D. Koehler – What are the variances?

Steve – It's the two. One for the front yard setback to be 0-15 feet and the other that a not for profit must have a minimum of 5 acres and we only have 3.25.

R. Lopane – Regardless of what we say to the zoning board, they still have to meet the criteria for zoning variance at the zoning board (ie: hardship). We could just give them a favorable recommendation and then it's up to the zoning board to decide.

J. Frustace – Notes the Chairman will prepare a letter for a favorable referral to the Zoning Board of Appeals in regards to the setback, character and conflicting codes. Also, lot area and size; 3 acres versus the 5 in the code. Is there a motion to that effect?

F. Garito – So moved. Seconded by P. Poltrack. All in favor. Motion carried.

- 1. Greenhaven Road Solar Community** – Site Plan-Special Use Permit; Water Resource Permit
97 S. Greenhaven Rd.
Grid # 6757-00-082660
Zone C-3

D. Koehler – We prepared a draft resolution of approval in regard to water resource permit-site plan, which would be preliminary site plan conditional final site plan and special use permit approval. There are a few items that the board will need to go through on the water resource permit. There are some standards. I had mentioned that on page 4 of 6 in the middle. We also some information about the aquifer overlay district. There're 5 particular standards you are to meet. In both cases, the applicant worked with us to minimize any of those impacts. We had them minimize the disturbance for the water resource permit, which was disturbance to the buffers along our streams. We also had them protect a couple more trees than they were showing initially, which will help keep the stream cool. We felt like they met those standards. With the aquifer overlay, there really aren't any waste generated from this that are going into the ground or anything like that so we assumed that those were being met as best they could. There was some information once we circulated the draft resolution that was provided by the applicant about a 25-year lease as opposed to a 20-year lease. There was a point when the presenters had said 20-years with a 10-year option and the newer engineer here representing the project had mentioned it's a 25-year lease with four 5-year options to extend. We very recently, within the last couple of hours, put some of that information into the resolution that they had formally provided some documentation to that effect today. It changes a couple of things with regard to the decommissioning and they basically said they're going to work with us on that but it's in as a condition of the resolution as well. Asks Craig for feedback.

C. Wallace – With respect to the lease, the maximum term was changed from 30 years (20yrs + 2 Fives) to 45 years. The proposed decommissioning plan that was provided with planning reflected the lower term which would have been a maximum term in 30 years. What we're recommending is, in the conditional approval, that the applicant come back with a new decommissioning plan to reflect the maximum possible term if all extensions are exercised over 45 years. In addition, planning department is recommending a review every five years by the department to ensure that the decommissioning plan is adequate at that moment in time, since it's an inexact science at the moment and it's such a lengthy term, over 40 years.

P. Poltrack – The review would be started at 25 years or sooner?

C. Wallace – After 20 years. You can make that determination. I would recommend at least 20 years and then every five years after that 20th year, it would be incumbent upon review. There is a safeguard in the statute that if something happened to the solar company, it would fall back on the owner of the property. That needs to be reflected on the maps and easements.

P. Poltrack – Questions if the property owner is aware, and in a position to handle that.

Applicant – Don't fully understand what falls back to the owner. Wouldn't think there would be anything because we have a bond.

C. Wallace – In case the bond is inadequate or the company goes belly up and there's nobody there. The bond is inadequate at that moment in time. That's why a five-year review period after a certain period of time would be appropriate.

Applicant – Have not heard of anything falling back on the property owner because it's fully under the lease of whoever owns it. If the company didn't exist anymore and went under for some reason, which is very unlikely, that's when you have the bond on file for the town to take care of paying.

D. Koehler – If that amount is deficient for us to be able to do it, the remainder falls on the property owner. We're not going to pay for your solar panels to get removed.

Applicant – Would the property owner have a say in who you consult with. The town doesn't have any leg in the game being efficient with removing it. Well it cost this much.

C. Wallace – If the town had to come in and use self-help to remove the solar panels, that's when that would fall into place.

P. Poltrack – The property owner should be made aware of that.

J. Frustace – This is all very new. I don't think we have a solar farm that's been decommissioned yet.

Applicant – No. They are very profitable so no one is taking them out.

J. Frustace – The concern is the grants are, in effect, contributing to the profitability.

Applicant – To build them but once they're built, they're absolutely going to make power so even if they go under for the person that originally owns it, somebody else is going to buy the asset and make some power off of it and it will be valuable. It's not going to somehow become invaluable so the odds of it being decommissioned are very low. If you default on a house, they don't tear the house down, someone else will buy it.

J. Frustace – A lot could happen in 45 years.

F. Garito – Questions lifespan of panels.

Applicant – About 25-30 years.

F. Garito – We know that because we've had them for 25 years?

Applicant – The older ones, yes. They do a lot of testing on degradation. The degradation tests are standardized. The amount of degradation over X amount of time has been proven and keeps getting better. They're rated to last 25 years at 80% value of the rated output for wattage. At that point is when the owner would have to come in and likely start replacing some panels but the racking itself would stay in the ground. There might be a couple of damaged spots but they would replace the parts that aren't working correctly. It would not all have to come out.

J. Frustace – What is the difficulty in just protecting ourselves by adding a clause.

D. Koehler – It's in our law. It's not negotiable.

R. Lopane – He isn't disagreeing, it just sounds awkward.

Applicant – Confirms concurrence, just want to make sure that what we have for decommissioning is adequate. We put a lot of time and effort in. There shouldn't be anything left over. If it's in the town's hands and they need to decommission this thing, it could cost way more than it should because the town doesn't have any real reason to keep the budget low and I wouldn't want them to stick it to the person. None of us are going to be dealing with it in 45 years.

C. Wallace – It's local law. I encourage you to take a look at it. Was sent to prior engineer's successor.

Applicant – Did not receive.

D. Koehler – It states the decommissioning plan shall recite the fact that upon the failure or inadequacy of the bond or guarantee specified in this section, any cost of removal and remediation not covered thereby shall be a responsibility of the applicant and/or owner of the property, jointly and severally, and any unpaid sums shall become a lien upon the property.

Applicant – Applicant and/or owner is ok.

C. Wallace – Received a couple of easement agreement grievances from the neighbor who is represented by Mr. Lusardi who has been before this board a number of times. He represents Ditron. There's an agreement in principle which I will let Mr. Lusardi speak to that, but as of now, it's the forming content from the town attorney perspective.

Robert Lusardi- Daniels, Porco and Lusardi, LLP – Representing Ditron – Back when we had a number of concerns Ditron had raised and the board had raised in this matter, I believe we resolved them with one exception which is the easement. The board had requested that, as a condition of approval, the parties arrive at an easement agreement for the storm water from the Ditron property to be deposited into a stream on the Dixon property where the solar farm is located and we negotiated. It was a very difficult negotiation that went on for months and we ultimately arrived at an agreement about 2 months ago. We've been trying to get that agreement signed since. When we finally received a copy of the signed agreement from the property owner Ms. Dixon about a week ago, it was not in proper form. Document cannot be recorded as signature was misplaced and document not properly notarized. We wanted the board to be aware that there is an agreement that is not executed. We ask that any approval of this board be subject to and conditioned upon that agreement being signed.

D. Koehler – That is condition #6 on our draft resolution, which is prior to the signing of the plan. That easement should be finalized and approved by the town attorney.

P. Poltrack – Confirms that would be part of the conditional approval and nothing happens until conditions are met.

C. Wallace – The agreements are usually signed simultaneously with the signing of the map because they go hand in hand. As long as the applicant and Mr. Lusardi's client are aware that nothing gets done without us getting that recording page. That condition will remain outstanding until we get that recording page received from both documents.

D. Koehler – Would recommend that the general condition, on page 6 of 6, we add number 2 which states that the decommissioning plan shall be updated and submitted to the Town of Beekman planning department after 20 years and every 5 years thereafter until the site is decommissioned.

C. Wallace – Would add that failure to do so could result in the revocation of the special use permit pursuant to town code §155-43. It's discretionary. It would fall on the planning department to report the deficiency. At that point, they could revoke it unilaterally without board approval. There would be an appeal process of course.

D. Koehler – One other thing, not exactly resolution related. There was some talk about the trees at the November meeting and the applicant responded that they didn't want to make a change to the other tree because of a height but the height was not any different from what was already there that was going to be substituted for. Asks applicant to explain for the board.

Applicant – Was looking at the table that we had which said a max height of 30 but I think it's minimum height of 30 so the information you've provided is fine with us, we'll do whatever. We can split them 40 and 40 to keep it differentiated or entirely switch all 80 trees if there is a preference. Confirms he is referring to the Ditron property.

D. Koehler – It was Norway Spruce as opposed to Eastern Red Cedar.

Applicant – They're both approximately the same height mature. The comment was that we should be adding Norway Spruce to increase the planting variety. There's 80 total Eastern Red Cedar proposed. We could take out 40 of those and replace them with the Norway Spruce if that's the commenter's preference.

J. Frustace – It was a matter of diversification of species.

Discussion regarding diversifying trees. Okay to substitute about 40.

D. Koehler – We would look for that in the final plans. If so inclined, you can make a motion to approve the resolution as amended to add that general condition number two which would be granting of preliminary site plan, water resource permit, conditional final site plan and special use permit.

R. Lopane – Motion to approve the amended resolution. Seconded by P. Poltrack.

J. Abbatantuono – Confirms this is contingent upon all of these items being met. There's a lot of ambiguity. The decommissioning plan and not having a ratified easement are two big things and should be settled before we move forward.

D. Koehler – What this does is adds that as a condition. If they don't do that then they won't get a signed plan. Beginning at the end of page 4, there are a number of conditions of the approval that have to be satisfied before the plan is signed. Without the plan, they can't pull a building permit so the granting of a conditional approval doesn't mean anything if they don't follow through with satisfying the conditions of the approval. There's those nine that have to deal the time before they get the plan signed and then there's more conditions that are prior to them being able to do any earth work or get a building permit. There are a few others prior to issuance of the certificate of occupancy so they still have work to do.

J. Abbatantuono – Questions results of Fire Advisory Board meeting.

D. Koehler – They've shown what the FAB has asked at this point. One of the things the FAB said is that they were going to be able to go out there and do a test run and work with them. I think they were also

going to get some training on the solar panels as part of that. It was important for them to make sure other areas were protected so they were talking about fire breaks as well as access and SOP for fire department.

F. Garito – Questions who makes the determination in considering what is a proper decommissioning plan. Uncomfortable with not having a specific plan in place. The legal issue should be addressed before moving forward.

Discussion regarding decommissioning estimates, inflation, bond coverage, recycling and disposal, etc.

Applicant – Provided estimates to the town with inflation rates over the standard.

D. Koehler – Part of the reason we didn't have a problem with the estimate is we don't know what it's going to cost. There could be a lot of changes in 20 years. For all we know it could be considered hazardous waste in 20 years. At some point, the law protects us in terms of the owner or applicant having to pick up the difference.

C. Wallace – The bond is supposed to cover the demolition and removal. In the event it is insufficient, our law is written as such that not only we look to the bond, but any deficiency would act as a lien on the real property or the owner, so it's collateralized that way. There's a value to the property and any shortfall should be covered by that lien.

R. Lopane – From a risk assessment point of view, its drastically reduced.

P. Poltrack – Questions state agency responsible for oversight of solar projects.

Applicant - NYSERDA has released some guidance which was the original basis for creating decommissioning estimates. As a safeguard, our estimates much more robust than their recommendations. Would be okay with re-evaluation of decommissioning estimate every 5 years starting at 5 years

C. Wallace – Would direct the applicant to thoroughly review solar law because the owner also has to sign off on that decommissioning plan. Not only the applicant, but also the owner.

Applicant – She may be aware of that. I'm not as in connection with her. It was news to me but I know everybody would like things to move forward regardless.

P. Poltrack – Suggests starting the five years from the date of approval and in 5-year increments.

Applicant – Currently estimates what it is now and proposing we revisit every five years. Typically, bonds are good for 5 years so you review it and get another bond based on what you agreed upon.

F. Garito - Questions what happens if the bond is not renewed.

C. Wallace – Special use permit could be revoked. The law has worst case scenarios built in and that is what the town board approved. It's not within the purview of the board to question whether the law is adequate but we're going to have to trust that they follow the local law on solar and all the conditions.

R. Lopane – In the event that the bond is assessed and found to be insufficient, do we have the authority to insist that the bond amount is increased?

D. Koehler – That would be the every 5-year valuation.

J. Frustace – Understanding they have the option to operate for 45 years and renew every five after 20.

D. Koehler – It's 25-years lease. We also put in as a general condition that every time there is a lease change, amendment or extension, that they provide a copy to the town so we're aware what they are anticipating being on the site for how long.

C. Wallace – Adds that if the option is not exercised, that means the lease will no longer be in effect, at which point it either has to voluntarily be demolished and removed or, worst case scenario, the bond kicks in.

R. Lopane – Sympathetic to issues of approval conditional resolutions. However, the conditions proposed in this resolution are discretionary decisions and provide for an easy checklist.

C. Wallace – Adds that the conditions just discussed are just a regurgitation of the local town code.

R. Lopane – Prepared to move forward with an amended motion. Asks engineer for guidance on amendment.

Discussion regarding start time of 5-year clock. Determined to be every 5 years from the date of the planning board chairman's signature on the plan.

R. Lopane – Amend motion to include number 2 which states the following: Decommissioning plans to be updated and submitted to the Town of Beekman Planning Department every five years from the date of the planning board Chairman's signature on the plan until the site is decommissioned. The failure to do so could result in the revocation of the special use permit pursuant to town code §155-43. Seconded by P. Poltrack. Roll call vote:

J. Abbatantuono-Aye

F. Garito- Aye

R. Lopane- Aye

J. Frustace- Aye

P. Poltrack- Aye

Motion carried.

2. Barton Orchards Farm Market – Site Plan

64 Beekman Poughquag Rd (CR7) & 3 Apple Tree Lane

Grid # 6758-00-170733

Zone R-45

Michelle Zerfas, Berger Engineering – Requests for public hearing to be set for next month.

J. Frustace – We have some questions before we make that decision.

D. Koehler – Want to go over a couple of the items in the comment letter because it's pertinent to making sure that the plans are in order for you to set a public hearing. The most important was item number 24 which had to do with the planning board's opportunity to visit the site. We had talked about the possibility of flipping the parking away from the residential neighborhood and the question arose about the size of the trees on the other side of the existing structure. Asks if anyone has had a chance to go take a look and what are your thoughts on the plans that are here which are still the parking on the residential

side but they added some fencing and more trees as well. That was a big component in making sure that the plan the public sees is in line with planning board preferences.

R. Lopane – Confirms visiting the site. Confirms not locating the parking lot on the east side of the house. It was definitely strategically designed to avoid a large amount of tree removal. A couple of nice big trees up front. Would like to know what's happening with those.

P. Poltrack – Questions location of septic in relation to trees in front.

Michelle – The parking lot at the entrance. The old road bed is part of it. Under the parking in the drive.

Discussion regarding existing trees in relation to parking and septic.

R. Lopane – The septic is encompassed entirely by the disturbance of the parking lot. It's not just the septic, it's also the parking lot that's going to disturb.

J. Frustace – Everywhere there's an arrow mark, they plan to do millings.

Additional discussion regarding tree sizing and septic location.

D. Koehler – Sheets 2 and 3 both show existing trees. Sheet 2, existing conditions and removals plan, shows an X on any existing tree they're proposing to remove.

J. Frustace – May have misinterpreted this. In the front of the house you have the porch and you put loading zone there. Asks if that loading zone is for customers, trucks? Confirms plans were not misinterpreted. Peter had stated that the porch is going to be the front entrance but the concern is that the loading dock is on the front of the building. That didn't make sense because on the side of the building is where you have the pavers and he said the loading zone was going to be on the side of the building along with the electric charge stations.

Michelle – It's not a loading dock, just a loading zone or area. If anybody's parked it's a clear space.

D. Koehler – Loading zones are required by our code. It's really intended for commercial uses where the delivery is from or to the building. It's just an area reserve so larger trucks can get in there. What you'll see during the normal day is an area with millings or whatever they proposed.

J. Frustace – Questions whether it is ok to put septic fields under the road that the heavy tractor trailers are going.

D. Koehler – It can be done if properly designed.

Michelle – Chamber companies have come up with a chamber that's H20 loaded so we put the chambers in and we're also putting geogrid over the top for extra strength. New chambers out now are made so they can go under parking lots.

R. Lopane – This isn't your conventional septic system but a special system designed to be under parking lots.

Michelle – Confirms it is still trenches and still chambers put in, it's just bigger, heavier duty chambers. Confirms 44 parking spots.

P. Poltrack – Questions whether the septic could be moved so the trees would not have to be removed.

Michelle – Where the septic is going, the trees would have to be removed anyway for the driveways and parking and they will put the septic in that same area.

R. Lopane – She’s placing the septic in the area that’s already being disturbed by the construction of the parking lot.

D. Koehler – Points out septic area and chambers on plan.

P. Poltrack – Questions why chambers cannot be relocated.

D. Koehler – They probably could. There’s going to be a separation requirement to the storm water, the bioretention area.

Michelle – You need to have 100 feet. Confirms reserve area proposed. However, they almost never get put in. Health department does not require clearing until needed. Went out and did deep tests on soil; no stone, no water, 8-feet deep. That’s why they’re in ground and under parking.

R. Lopane – It’s not about the septic. The grading alone is going to kill those trees. They’re doing the least amount of impact possible.

P. Poltrack – Questions why they can’t use the old road bed.

Michelle – Part of that road bed goes through the front yard buffer area and we were told we couldn’t put the septic in the buffer.

P. Poltrack – All of this is to meet the proposed number of seating you want the planning board to approve.

J. Frustace – Asks if planning board has any jurisdiction over the number.

J. DeJoy – Don’t have the code in front of me to see whether the spots correlate to seating or square footage but I would think it goes more to square footage because I don’t know that you can dictate how many tables and chairs they have.

R. Lopane – Usually our code does dictate a certain amount of spots for commercial use.

D. Koehler – It does and they have a parking table on page 1.

R. Lopane – Did you design it to code? The amount of space is the minimum amount of space required by our code or did you add more than a minimum amount.

Michelle – Would have to check.

D. Koehler – I think it says there’s 35 required but there’s 44 proposed. I believe part of the reason for that is that they are proposing 8 electric vehicle stations.

R. Lopane – That number can overlap. They don’t have to displace that number.

Michelle – If you put an electric car space, non-electric cars are not supposed to park in those. We also have four handicapped spaces which is more than the code required.

P. Poltrack – Why do the electric charging stations and handicapped spots be at that location? Why can't it be proposed in the parking that is in the front of the building? Lower the parking to lower the impact on the abutting neighbors.

J. Frustace – Confirms his understanding of locations of building, septic, handicap parking, and electric vehicle charging stations in relation to each other.

P. Poltrack – Why can't the electric charging stations and handicap parking be moved to the front of the building and away from the impact on the abutting neighbors.

Michelle – Can see what county planning says since they always want parking on the sides and in the back.

P. Poltrack – That doesn't answer the question. This should be a proposal with dialogue expressing concerns and adjustments made accordingly. I know the abutting neighbors are concerned, so I have a concern about having parking between that building and the abutting neighbors. It looks good on paper but when you go out there, there's not a lot of space. Suggesting putting the charging stations at the front of the building maintain that vegetative area between the end of the building and the neighbors as much as possible.

J. Frustace – This goes beyond the charging stations. You're proposing a stockade fence which is nice. Was hoping for a thicker, more organic buffer than a fence which, to me, is an option of last resort. If you have pavers there and 8 cars, I'm picturing headlights shining on the neighbors' property. There's also a lighting and landscape plan on the last page. You're showing a fairly decent amount of proposed trees in that area to re-establish the buffer that was cut down in that area. Would almost rather see additional trees rather than the stockade fence. My opinion. Peter's point about the electric charge stations there is really strong for me and I'm just wondering if there isn't another spot for those 8 electric charge stations.

P. Poltrack – Move them. Consider making a compromise and putting the handicap where it is to provide access to the existing building but take all the other parking spaces and the electric and move it out to the front. Instead of trying to hide it just put it out there where it can exist and have lesser impact.

J. Frustace – Would be a better way to advertise the service you're offering as well.

Michelle – Approaches board to see where they are indicating on the map to move the parking.

Discussion regarding effect the changes have on the proximity to the houses versus reducing the amount of spaces.

D. Koehler – Asks if there is a bigger purpose to the circle at the end.

Michelle – Truck turn-around.

R. Lopane – If it's over the amount of what our code is, it's not unfair for us to ask them to justify the need for more parking spaces than what the code is suggesting. Agree that if we can reduce the parking spaces, generally you're going to reduce the disturbance and the amount of impervious surface. Is it absolutely necessary to have 44 spaces? Can you go down to what the code requires?

Michelle – Would have to check.

D. Koehler – It says 35 on their calculation on sheet.

P. Poltrack – The number of seats proposed dictates.

D. Koehler – Yes, kitchen storage and bakery-3000 sq.ft., sitting area-862 sq.ft., retail area for customers-798 sq.ft. The parking proposed says retail is one space for every 250 of gross area. Sitting area is 47 seats at one space per 3 seats so that's 16 and 19 is 35.

J. Frustace – And they're requesting 44 on the plan.

D. Koehler – Figured this was a big one because it led to what people are going to be able to see if the board decides to set a public hearing. If there were any major changes as a result of that discussion, they should make those changes before a public hearing would be set. Confirms they are 9 spaces over code. Wanted to make sure the board had added their input and that there was a reason behind the input. I changed my mind after visiting the site as well and understand more why they laid it out the way they did.

R. Lopane – Asks if they are entitled to public hearing or if it is at planning board's discretion.

D. Koehler - The plans and the supporting documents should be suitable to be able to present to the public. You can't go to them without having landscaping and lighting so people can have an understanding of what the impact is to them. It has to be developed to a certain point where all those types of things are shown. The board can ask an applicant for alternative layouts at any time.

R. Lopane – Ultimately, we have to make a resolution for them to set the public hearing.

J. Frustace – Yes. You have to vote.

D. Koehler – One of the other comments, number 7, we would want to make sure that there's some architectural elevations or something for the public to understand what it's going to look like. That should be submitted before public hearing. If the board decides to set the public hearing, you can still submit in time for that. You have the jurisdiction on the architectural review on all commercial buildings. Number 14, I've referenced the refuse enclosure. I think that's an architectural aesthetic type thing that the planning board should have some input on. They have a detail that I believe is on sheet 6 of their plan set. Basically a vinyl enclosure. Beige. You don't have to give input now. Thought it would be better to let them know if you have issues with it sooner rather than later.

Discussion regarding material for refuse enclosure and other visual impacts due to parking lot. Nine parking spots over code. Considering land bank parking was suggested as well as reducing the number of EV charging stations and/or parking spaces.

P. Poltrack – Adds issue with visual impact of sightlines due to vehicles.

J. Abbatantuono – Inquires about levels of EV charging stations and availability for overnight use and possible impacts.

Board discusses options such as changing turnaround which serves a functional engineering purpose, moving the EV charging stations to the chimney side of the building which does not leave space for travel aisle, or changing to one bay which may work out.

R. Lopane – Agrees with adding buffer plantings between parking area and adjacent residents.

J. Frustace – Rob’s compromise, if the stockade fence is important to the applicant, doing both is an option, the stockade fence and robust plantings.

J. Abbatantuono – Inquires about types of plantings.

R. Lopane – Comment on the White Spruce they have proposed. They are dying like crazy these day from disease and they probably aren’t going to make it.

D. Koehler – That was comment 15 regarding trees and landscaping which is an important component here.

R. Lopane – Not too many spruces you can use these days.

Michelle – Asks if there is a preference.

R. Lopane – If you’re going to use a spruce, a Norway Spruce. It’s not native. White Pines are nice. Better to go with native but the White Spruce, although native, is subject to disease. Maybe a combination of Norway Spruce, White Pine and White Cedar.

D. Koehler – That was comment 15 that had to do with 23 White Cedars and 21 White Spruce proposed. Part of the intention of the fence was to block headlights and the literal view that might happen underneath the mature tree so it might not be so much about trees as a variation of heights of species for a robust screen. That would make more sense than a fence.

J. Frustace – Would be inclined to let the public weigh in when we have the public hearing. You could leave the stockade fence on this plan, consider our other suggestions, and at the public hearing once we have input, will have better direction. A contingency plan for the dumpster and EV parking so you don’t feel like you have to do it one way or another right now and after the public hearing we could consider the concerns as a board and make decisions.

Michelle – That is how I like to get to public hearing so you can hear what the public has to say directly.

P. Poltrack – I think it is premature to schedule a public hearing. Based on the discussion tonight, I think there need to be revisions and you come back with those revisions before we have a public hearing. I do not want to be pushed.

J. Frustace – Asks if there are any other engineering issues.

D. Koehler – One thing the Planning Board should discuss is that it’s in the code that parking lots should be curved and I’m not sure that’s always in the spirit of the kind of plan that someone is looking to do and I think the board has flexibility in giving guidance to the applicant. I have to look at it from a code perspective, so looking for guidance from planning board on whether or not you want to have curved areas.

Discussion about curbing, millings and comparisons with existing farm market Apple Core.

J. Frustace – If the intention is to have picnic tables, they would need to be on the plan as well.

D. Koehler – That would add to parking and waste water generation as well.

R. Lopane – Respecting the opinion of Peter that this should not move forward to public hearing, I think you should ask the rest of the members how they feel.

J. Frustace – Addresses public: Apologize for inability to speak directly. Can speak after the meeting. The property has been district in and he has a right to build this market on that parcel of land. A lot of work was done to determine permissibility and I've had conversations with Agamarkets.

R. Lopane – My opinion is I don't think there would be any harm in allowing this to move forward to public hearing. We can still make changes and I would like to hear what the public has to say. I'm not so much against the site plan that it would limit my ability to move the project forward to public hearing.

F. Garito – Agree. Interested in hearing from the public. Comfortable moving forward.

J. Frustace – Pete wants to make sure that all concerns are considered. I would like the contingencies we spoke about considered and the drawings should be prepared so that the public can see those contingency plans if we vote for the public hearing hear because after the public hearing we want to be able to discuss what's in the best interest of all. If not, I will adjourn the public hearing until that is done.

J. Abbatantuono – Questions when applicant must have materials prepared for review.

D. Koehler – The submittal deadline is January 30th.

Michelle – Confirm it is plenty of time.

R. Lopane – Motion to set public hearing for the next planning board meeting February 16, 2023.

Seconded by F. Garito. Roll call vote:

Peter Poltrack – Aye

J. Frustace – Aye

R. Lopane - Aye

F. Garito – Aye

J. Abbatantuono – Aye

Motion carried.

P. Poltrack – I just do not want to be married to the proposed plans. I believe in the public hearing and the input but I also think that at the public hearing it should be pointed out at the start that the proposed plans are not set in stone.

J. Frustace – We haven't voted to approve the sketch at this point.

Jonathan – Make sure applicant is aware of notice requirements for the public hearing.

Michelle – Confirms she will check with Colleen.

3. 2023 Proposed Planning Board Meeting Dates

January 19, 2023
February 16, 2023
March 16, 2023
April 20, 2023
May 18, 2023
June 15, 2023
July 20, 2023
August 17, 2023
September 21, 2023
October 19, 2023
November 16, 2023
December 21, 2023

D. Koehler – Still the third Thursday.

R. Lopane – Motion to approve 2023 meeting dates. Seconded by P. Poltrack. All in favor. Motion carried.

F. Garito – Motion to adjourn the meeting. Seconded by P. Poltrack. All in favor. Motion carried.

Meeting Adjourned 9:24pm.

Respectfully submitted.
Aletha Bourke