

**TOWN OF FORESTBURGH PLANNING BOARD**  
**Public Hearing for NY Forestburgh I, LLC**  
**January 23, 2024**

The public hearing for NY Forestburgh I, LLC was opened at 7:00pm by Chairman Richard Robbins at the Town Hall.

Members Present:                   Katherine Barnhart  
  Alan Devlin  
  Susan Hawvermale  
  Richard Robbins, Chairman  
  Robert Sipos

Absent:                                Anthony Cardoso  
  Arthur Leaney-Levenson

Town Attorney:                    Javid Afzali

Town Engineer:                    Tim Gottlieb

Recording Secretary:              Billie Jean McGinnis

Chairman Robbins opened the public hearing. “We are having a public hearing on an application by NY Forestburgh I for a large-scale solar facility pursuant to Chapter 134 of the Town Code. Notice of this public hearing has been published and posted as required. Materials of this application have been available and have been posted online. There have been no written comments submitted for the public hearing. The...we have received a 239 response from the county reiterating that or determining that this is a matter for local determination. The Planning Board designated itself as lead agency under SEQRA. This is a combined public hearing both under SEQRA and under the site plan provisions and special use permit provisions of the Zoning Code. If a mem...if anybody, any member of the public wants to be heard in regard to this application, this is your opportunity. Does any member of the public want to be heard at this public hearing?”

Yehuda Miller: “I’ll ask some comments...can I come up?”

Chairman Robbins: “Yes. Would you state your name for the record please?”

Yehuda Miller: “Sure, Yehuda Miller.”

Chairman Robbins: “Yes and would you stand up and come up here so we can hear you clearly?”

Yehuda Miller: “Yes so only three points, questions. I’m not sure if this is a public hearing about the subdivision.”

Chairman Robbins: "No. This is a public hearing about the large-scale solar application."

Yehuda Miller: "Right. So..."

Chairman Robbins: "This is not a public hearing in regard to the subdivision. None is required as it's a land division."

Yehuda Miller: "Right."

Chairman Robbins: "It has been determined so by us."

Yehuda Miller: "So the question is if that's not segmentation because when there's an action I think the whole action needs to be considered at once and when you do it this way, that's basically you're taking only a small part and you hear it and then you decide about the other part. I would suggest, I guess you'll have your discussions and determinations, but I think when it's a, when the action has a subdivision part and has a site plan it should be heard together. That's one comment. Then there's one comment actually that the chair made about coverage provisions and the Code which is also a little bit...It's interesting in the Code because the Code also says that you have to follow the coverage of the residential homes in the district and it's in there but I think it's at 20%, 40%, nevertheless, I think there was a concession what's considered coverage, whether it's of the facility or you look at the actual panels, my question is, when you look at the actual panels and if you look at the subdivision plan and if you take the position that that's only 10% coverage. When you do 40% coverage it's going to be well more than the whole lot. If you look at the actual plan and you say that you could have another 90% of that, that will be more than the whole lot. It's, I don't know. Maybe it's the code, maybe? I'm not sure. That's my second comment. Third comment is I think we were speaking during the meetings and when you look at the minutes, there was a discussion about what the current use of those properties are and I think it was presented that it's current use is hunting. And in the EAF, it says that it's not being used for hunting. So that should be clarified as well, I think. That's my comments. Thank you."

Chairman Robbins: "Any other member of the public have public comments to make on the application for a large solar facility? Okay. We're going to adjourn the public hearing. There are in this application a number of matters that have been indicated to be incomplete or are going to be further clarified with a final site plan. So at this point, we're gonna leave the public hearing open and proceed to our regular Planning Board meeting."

The public hearing was adjourned at 7:03pm.