

TOWN OF FORESTBURGH PLANNING BOARD

Minutes

February 27, 2024

After a public hearing, the meeting was called to order at 7:04pm by Chairman Richard Robbins at the Town Hall in Forestburgh.

Members Present: Katherine Barnhart
Anthony Cardoso
Alan Devlin
Susan Hawvermale
Arthur Leaney-Levenson
Richard Robbins - Chairman
Robert Sipos

Town Attorney: Javid Afzali

Town Engineer: Tim Gottlieb

Recording Secretary: Billie Jean McGinnis

Approval of Minutes

The minutes from the Public Hearing for NY Forestburgh I, LLC were reviewed.

Motion made by S. Hawvermale. Seconded by K. Barnhart.

A.Cardoso and A. Leaney-Levenson abstained as they were not present for the hearing.

Vote: All in favor.

The minutes from the regular meeting were reviewed.

Motion made by S. Hawvermale. Seconded by A. Devlin.

A.Cardoso and A. Leaney-Levenson abstained as they were not present for the meeting.

Vote: All in favor.

Rules of Procedure

Chairman Robbins explained that the Rules of Procedure were approved by the Town Board at their February meeting.

Motion made by A. Cardoso to adopt the Rules of Procedure. Seconded by A. Leaney-Levenson.

Vote: All in favor.

Public Comment on Applications on the Agenda

There were no comments.

NY Forestburgh I, LLC

Walter Garigliano presented on behalf of the applicant. Also in attendance were Barbara Garigliano, Mollie Messenger and Melissa Melko. They are seeking approval for a large scale ground mounted solar system on Route 42, approximately one mile from the Route 42 and Hartwood/Forestburgh Roads intersection.

Mr. Garigliano provided an update. All of the required documentation has been submitted.

Chairman Robbins explained that the County expressed a concern that the location of the staging area for materials is near the wetlands. Has this location been changed on the recent plans? Mr. Garigliano explained that the materials being stored do not have any impact on drainage. They're not storing piles of gravel or topsoils. They'll store equipment and wooden boxes containing solar panels. It's shown as a possible location on the map but will be determined by the contractor. He understands that there may be a condition upon approval to consult with the Town Engineer at that time. It doesn't impact the drainage according to their engineer.

A. Cardoso visited the site and found that the land is consistent with the description provided by the applicant. There are a lot of white pine and rhododendron. There aren't a lot of high value trees in the clearing area.

Mr. Garigliano requests a waiver of what the future landscaping looks like. The Code provides for screening from the road and adjacent properties. They feel the natural screening of undergrowth of rhododendron is sufficient. The landscaping will not look any different in the future than it does now. The rhododendron is fully matured and 8-10 feet tall throughout most of the 225 acre parcel. Mr. Garigliano also explained that there will be easements disallowing tree removal in certain areas of neighboring properties that will also help with screening.

R. Sipos asked what happens if that cover dies in the future. Mr. Garigliano thinks it's extremely unlikely but understands that a condition may be put in place to replace the screening if it dies.

A. Cardoso agreed that the vegetation is very thick and you cannot see the road. S. Hawvermale asked that this be tabled until more Board Members can visit the site.

Mr. Garigliano responded to comments made during tonight's public hearing. There won't be a change to zoning because the Solar Law allows for large, ground-mounted solar in this district. Among other benefits to the Town, there will either be a PILOT agreement or real estate taxes on the solar improvements. There's a mandatory requirement that when they accept the grants, they must offer a sale of credits against your electric bill. There will also be jobs available during the construction phase.

A. Cardoso asked how residents get the credits towards the electric bill. Mr. Garigliano explained that the credits come through a clearinghouse in NY who will solicit customers directly. The credits are used towards the purchase portion of your electric bill.

Chairman Robbins reviewed and discussed Part 2 & Part 3 of the SEQRA form. Some points of discussion were:

1.d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.

S. Hawvermale asked if the applicant knows how much material they'll need. Mr. Garigliano explained that there's no expectation of any import or export of any fill from the site. There's minimal grading as the site is flat. There are small amounts of material that are moved around. The only imported material will be gravel for the road base.

14. The proposed action may cause an increase in the use of any form of energy.

A.Cardoso asked if Mongaup Falls substation will require an upgrade? Mr. Garigliano explained that a study by Orange & Rockland, CESIR – Comprehensive Electrical System Interconnection Report, which details upgrades needed to accommodate locally generated electricity entering the distribution system. There were large upgrade costs at another location in the Town of Thompson. They searched for a site that didn't have environmental impact closer to the substation. The costs are lower and more manageable at this site. There's no increase in the use of energy, just the supply of energy.

15. Impact on Noise, Odor and Light.

R. Sipos asked about the lighting for the project. Mr. Garigliano explained that there will be no lighting unless someone needs to work on the project. They would be for safety purposes.

Chairman Robbins explained that this is a Type I action. Two items were identified to have moderate to large impacts that may occur—increased erosion and vegetation removal. The erosion issue is mitigated through the SWPPP. T. Gottlieb is in agreement. Given the nature of the project and the forest, the actions to mitigate the issues with clearing more than 10 acres of land are being addressed in the site plan and documentation. T. Gottlieb is in agreement. A.Cardoso added that he had a concern about the clearing of trees. After his site visit, it's clear that the high value trees were removed and only stumps remain.

Chairman Robbins stated that based on the discussions during SEQRA, there will not be a significant environmental impact.

Motion made by A. Cardoso to issue a negative declaration. Seconded by S. Hawvermale.

Roll Call Vote:

K. Barnhart	Aye	A. Leaney-Levenson	Aye
A. Cardoso	Aye	R. Robbins	Aye
A. Devlin	Aye	R. Sipos	Aye
S. Hawvermale	Aye		

Motion adopted for a negative declaration.

This matter has been adjourned to the next meeting.

Mr. Garigliano asked that any Board members wishing to visit the site, contact him this week to make arrangements.

Schumann/Kozachuk

Chairman Robbins disclosed that Peter Schumann is a member of Merriewold Club. Chairman Robbins provided disclosure that he is also a member of Merriewold and has had business dealings with the applicant in the past. In addition, K. Barnhart and S. Hawvermale are also members of Merriewold Club. All parties are in agreement that this does not provide a conflict of interest because the property involved is not in Merriewold.

Barbara Garigliano presented on behalf of the applicant. Mr. Kozachuk's driveway has been by a right-of-way grant in his deed. The driveway crosses the property that the Schumann Trust now owns. Mr. Schumann has agreed to gift the driveway to Mr. Kozachuk. Mr. Schumann will have approximately 80 acres. Mr. Kozachuk will have 5.48 acres. Both meet the zoning requirements and also the requirements of a lot improvement. Updated maps were provided which show the changes requested by T. Gottlieb.

K. Barnhart asked if Mr. Schumann is the sole trustee. Mrs. Garigliano indicated that he is the sole trustee.

A. Cardoso confirmed that .4 acres is on the Schumann property. Mrs. Garigliano explained that now Mr. Kozachuk will own his own driveway.

Chairman Robbins indicated that this is a Type 2 action and does not require environmental impact. This meets the requirements of a lot improvement.

Motion made by S. Hawvermale to approve this application. Seconded by A. Cardoso.

Roll Call Vote:

K. Barnhart	Aye	A. Leaney-Levenson	Aye
A. Cardoso	Aye	R. Robbins	Aye
A. Devlin	Aye	R. Sipos	Aye
S. Hawvermale	Aye		

The application has been granted.

Other Business

S. Hawvermale asked why Trips 2 Win, LLC was removed from the agenda for tonight's meeting. Chairman Robbins explained that the applicant requested to be removed. S. Hawvermale asked about a sketch plan meeting. Chairman Robbins stated that a sketch plan meeting is an option if the applicant wants it.

Adjournment

Motion made by S. Hawvermale to adjourn the meeting at 7:53pm. Seconded by K. Barnhart.

Vote: All in favor.