

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange town hall, 120 Stringham Road on Thursday, December 18, 2014 at 7:00 P.M. Board members Stacy Olyha, Robert Straub, John Gunn, Tony Brenner, Dennis Rosenfeld, Marc Komorsky and Frank Sforza were present. Joe Zeidan was absent. Also present was Wanda Livigni, Administrator of Public Works, Walter Artus of SMC, Greg Bolner of CPL and Ron Blass of VanDeWater & VanDeWater.

Ms. Olyha announced Mr. Komorsky would be a voting member in the Absence of Joe Zeidan.

Mr. Rosenfeld made a motion to accept the minutes of November 20, 2014, seconded by Mr. Gunn and the motion carried unanimously. MINUTES ACCEPTED.

PUBLIC HEARINGS:

DALEY FARM DEVELOPMENT- Proposed subdivision and site plan located between Titusville Road and Colleen Court containing 233.36 acres (Grid No. 6360-03-081270, 099220, 229310)

Ms. Olyha declared the public hear open. There were no comments. Mr. Gunn made a motion to adjourn the public hearing to February 19, 2015, seconded by Mr. Brenner and the motion carried unanimously. PUBLIC HEARING ADJOURNED.

HOLZBERGER SOLAR PROJECT SPECIAL USE PERMIT - Proposed Special Use Permit located on O'Hare Drive containing 1.56 acres (Grid No. 6600-04-733082)

Mr. Holzberger and Mr. Bob Hammel from US Energy Consierge were present. Mr. Hammell said they are seeking to put in a 16.5 Kw ground mount system on this 1.56 acre property behind the house. He said this is not very visible from the road and this will save Mr. Holzberger about \$2,200 dollars a year in energy costs. He said they meet all the setback requirements as defined on the drawing. He showed the board some photos that were taken in the fall showing the proposed area. Mr. Hammell said this consists of 60 solar modules and all the product they are using is made in America. He explained the inverters convert the DC power from the modules to AC power to the house.

Ms. Olyha declared the public hearing open. There were no comments. Mr. Gunn made a motion to close the public hearing, seconded by Mr. Straub and the motion carried unanimously. PUBLIC HEARING CLOSED.

Mr. Komorsky asked with this age of technology which is changing so rapidly, how long will this technology last? Specifically the inverters and the panels. Mr. Hammell said the modules have a 30-year warranty, the inverters have a 15 yr. warranty and the racking has a 15 yr. warranty. Mr. Komorsky asked if that's how long you expect this to last and Mr. Hammell said everything will last longer but that's what the manufacturer provides as a warranty. He said you can buy an extended warranty for the inverters but most people don't because the cost of the extended warranty is half the cost of replacing an inverter so if it doesn't fail you wasted your money.

Mr. Gunn asked about payback period. Mr. Hammell answered about 6 years. Mr. Hammell said in this case they are doing a loan through EFS, which is a program sponsored by New York so right out of the gate he's already cash flow positive because the interest rate is 3.49% so the savings is greater than his loan cost so after 6 years when it is paid off, he's never been out of pocket and then it will just be free electricity from there. Mr. Straub asked if Central Hudson was still buying back power. Mr. Hammell said they do. Mr. Holzberger said if you generate

more electricity during the year than you have used during the year, they pay you the wholesale rate which he said right now was about .8 or .9 per kilowatt. Mr. Straub asked about storm insurance on these, just out of curiosity. Mr. Hammell said the modules are under that warranty, they have a PSF of 200lbs and they've been tested to withstand hail storms. Mr. Straub said and your home insurance will cover it. Mr. Hammell said it doesn't increase your house assessment. Mr. Gunn made a motion to grant the Special Use Permit, seconded by Mr. Brenner and the motion carried unanimously. SPECIAL USE PERMIT GRANTED.

LANZOTTI SOLAR PROJECT SPECIAL USE PERMIT- No one showed up for this application.

OTHER BUSINESS:

THE PINES AT OLD OVERLOOK SUBDIVISION, WETLAND AND SPECIAL USE PERMIT – Proposed 9-lot subdivision located on Old Overlook Road containing 65.98 acres (Grid No. 6361-02-500585); consideration of granting a Negative Declaration.

Mr. John Andrews from Royde Soyka & Andrews appeared before the Board. Mr. Andrews said they went to the ZBA, however, the Planning Board decided to do a coordinated review with this and as a consequence the ZBA cannot take any action until the Planning Board issues a Neg Dec. He said the ZBA is waiting for them to come back. He said they had no major issues. He said there are a number of variances but in reality they disappear because of the way this subdivision is laid out in the use of the private road. He refreshed the Board's memory using the plans. Mr. Andrews said they believe they have a proposal that really makes sense and is a credit to the land that is out there. He said it's a 9-lot subdivision with 2 common driveways and most of the lots are in excess of the minimum acreage and some are up to almost 20 acres. He said they have done their marks and deems and been there with the Board of Health and all the septic systems are designed and added they have sufficient area and conditions are favorable. He said on the one lot they could actually get a 6 bedroom house and were thinking of pursuing a septic for that 6 bedroom house because it is a 20-acre lot. He said they have submitted a grading plan and profile for the road and said he believed they addressed the SEQR issues raised by Mr. Artus. He said some of you have been out there years ago when you bought your Christmas trees. He said there are a lot of open spaces where the trees are not so Mr. Riley spent a lot of time picking his house sites and septic sites so we didn't have to take down a lot of trees. He said they have tried to nestle the house sites and the septic sites in the cleared areas. He said there is some areas where the trees literally form a wall in some cases and rather than disturb them, they have tried to site everything in the open areas to minimize tree removal and visibility and he added they believe they have been fairly successful. Mr. Andrews said they are looking forward to getting a Neg Dec this evening. Mr. Andrews showed the board the wetlands, the buffer and explained it is in the Ridgeline which is why it needs a special use permit. Mr. Artus said they have satisfied all of his comments. Mr. Komorsky asked about the shared driveways and the turnoffs for the emergency vehicles, how wide will it be, will it be 2 vehicles wide? Mr. Andrews said the total driveway width at that point is 10 + 16 so 26' wide at the pull-off and then on the common driveways it's 10 + 12 so 22' wide. So if somebody pulled into the pull off you would have a full 12' lane to go by and they are maximum 25', there's a 5' jog and then 25' and then back.

Mr. Straub made a motion to deem the project as an unlisted action and to grant a negative declaration pursuant to SEQR because the board finds that the project will not have a significant adverse impact on the environment because the impacts have been identified and suitable mitigating measures have been incorporated on the plans and/or

in the reports. The motion was seconded by Mr. Brenner and carried unanimously.
NEGATIVE DECLARATION.

Mr. Bolner talked about the driveway in the Floodplain especially in this case where the floodplain is backwater, it's not impeding flow of the stream, it's just water that would back up due to the lower contour, he doesn't think there is any regulatory.....because you are not putting a building there. Mr. Andrews said no, but we are placing fill in a floodplain. Mr. Andrews said they are not changing the flow, it's just backwater in this case.

LUCAS SOLAR PROJECT SPECIAL USE PERMIT – Proposed Special Use Permit located on Skidmore Road containing 34.2 acres (Grid No. 6562-04-654210) set public hearing

Molly Williams from Hudson Solar appeared before the Board. She said she represents Dieter and Dana Lucas. She said they want to put in 4 top of pole mount pvr _____ which are standard for what we do. She said she submitted a building permit but that was stopped because she had to come to the Planning Board. She showed the board some images. She said there is 8 modules per pole and the poles are a little over 13 feet from grade and go 6 feet below with 3 feet concrete wide sonatubes with steel rebar. They are over 240 feet from the front property line and 280 feet from the side so they are far from the property lines. She said they are not really visible from the road because of trees. She said it's a little of 10kw DC system with 32 panels. Ms. Olyha asked if these pictures were of ones mounted someplace else, not the property we are looking at and Ms. Williams replied yes. Ms. Olyha asked her if she had any pictures of the property to show what this looks like from the road. Mr. Brenner asked how many total. Ms. Williams said 32 panels, 4 poles with 8 modules each. The Board and Ms. Williams discussed the issue of the solar panels being visible from the road. Mr. Brenner asked for pictures from the road so the board could see. Ms. Williams said there were a bunch of trees and a garden. Mr. Gunn said you can see right through there. The Board saw a cherry tree. Mr. Gunn said these will be very visible. Ms. Livigni said that is the reason why these have to come to the Board, for the visual impact. Ms. Olyha asked for views of where this is going. She asked for pictures head on and other views. She said to put something on the property, a helium balloon or something so the board can get a perspective when you take your picture so we know it's 13 feet high. She suggested putting 2 balloons out and take different pictures so the board can get a feel for what it is going to look like.

Ms. Olyha asked Ms. Williams to bring that in as soon as possible. She said the board could set the public hearing for January 15th and bring in the views so the public and board can look at them. Ms. Williams asked the board if there were rules against seeing it or did the board just want to see it. Ms. Olyha said we want to make sure it's not a large visual and we try to get them placed on a site so that they are not sticking out like a sore thumb or she said the board might want to request planting some ground cover that is just about the same height, not necessarily higher so it won't impede it. Ms. Olyha said the property to the east and a little to the south, the south is our town

park and the east the town just purchased as permanent open space. So they are trying to preserve the views of that area. Ms. Livigni said it is this board's issue to look at the visual impact to the public regardless of the lands around it. She said the property owner or the board may want to consider, if there is an opportunity to move it on the property, because she thought there was a pretty good chance it is going to be fairly visible. It might be easier to relocate it if you can. Ms. Williams said she will take pictures and see what the visual impact is and if we have to move it, she said it's a possibility but let's see a large visual impact before. She said there is a lot of engineering work that went into the design and added she didn't know if it was there versus somewhere else, could be because of the trenching they have to do for the DC wires. Ms. Williams said so she will come back on the 15th and Ms. Olyha said yes and make sure you have the pictures as well as a map that gets to the road. Mr. Gunn suggested the applicant be present at the public hearing also, because there are neighbors who may speak and they may want to hear what they have to say.

REQUEST FOR TIME EXTENSION

BURNHAM BUILDING SITE PLAN – requesting 1 year extension of site plan approval to be effective 12/10/14 to expire on 12/20/15 (this will be the 5th extension)

The Board discussed the issue of the need for an extension. Ms. Livigni said the Supervisor and she have been talking about putting in place similar to our subdivisions, a site plan re-approval process to make sure all the permits are still in place but at this time there really isn't anything. Ms. Olyha said so similar to what we did with the subdivisions. Ms. Livigni said what we did with the subdivisions is in the code and that is what we would want to do. She said the reason why Burnham Building keeps coming back is because they are the only ones who have actually read what the chairman signed on the approved plan (construction must commence within one year and be completed in 2) and they want to make sure they still have it. She said in the future the Board will start finding these coming back. Ms. Olyha asked how many extensions do they normally get and Ms. Livigni said considering they are the only ones who have a site plan that does this she didn't know. She said there is no limit because there is no law, he's merely complying with what the stamp says and it's commendable.

Mr. Brenner made a motion to grant re-approval, seconded by Mr. Gunn and the motion carried unanimously. RE-APPROVAL GRANTED.

Mr. Gunn made a motion to adjourn the meeting at 7:50 PM, seconded by Mr. Straub and the motion carried unanimously. MEETING ADJOURNED

Respectfully submitted,

Eileen Mang
Planning Board Secretary