

Germantown Planning Board
Minutes
September 26, 2023

The meeting was held at the Town Hall with the following members in attendance: Chairman Garrett Montgomery, Simon Burstall, Jennifer Crawford, Benjamin Davidson, Chris Brown and Lauren Williams. Member Kerrie Abela attended via Zoom and appeared in person for the final applicant's presentation. Town Attorney Corinne Smith was also in attendance via zoom.

The meeting was opened at 7:00pm.

Pledge of Allegiance

The minutes of August 31, 2023 were reviewed and on a motion by Jen, seconded by Chris, with all in favor and none opposed were approved with the following amendments:

- Add "via zoom" to Corinne's name on the first paragraph
- Change "one" to "none" on the 2nd paragraph under Taconic
- Add apostrophe to town's in the first paragraph on page 2
- Change "to" to "too" in the first paragraph on page 2
- Change "study's" to "studies" in the first paragraph on page 2
- Add a period after Town, capitalize I in first paragraph on page 2
- Change "was" to "were" in second paragraph on page 2
- Change "of" to "if" in the third paragraph on page 2
- Add an apostrophe to the word "appraisers" in the first paragraph under Jen Crawford on page 2

Old Business:

Archibald presented his revised lot line adjustment that corrected a previous width issue. Garrett asked why there are wells and no septic, and the applicant pointed out the location of an existing drywell. Member Kerrie asked that the septic be marked. A motion was made by Ben to approve the lot line adjustment conditioned on the applicant bringing a revised survey map with the approximate location of all relevant septic systems marked. It was Seconded by Chris and all were in favor none opposed.

Jen Crawford returned regarding the proposed conservation subdivision at 4365 Route 9G. Jen updated the board on site visits with Board members and Columbia Land Conservancy over the past month. CLC is interested in preserving the public access area and the bluff area. Ben had no negatives and reiterated CLCs plans, as well as including a strip of land along the road side. Other members agreed that the public access, bluff, and road frontage were the priority areas. Jen will present the revised conservation subdivision and separate lot line adjustment applications for next meeting for parallel review, as neither component should be approved without the other. Sewer and septic discovery / research is ongoing, and an approval conditioned on sewer extension is expected by Jen. Jen will endeavor to get the gift of the public trail and easement onto the Town Board agenda this month. Garrett asked if Jen had settled on a total number of lots; she is still deciding between expanding to the maximum number of allowable lots, but might not. Jen will write the written conservation findings for Board review next month.

Moses was not present last month, so his lot line adjustment application was reviewed with the board for the first time this month. To better conform with existing zoning, he wants to purchase some of his neighbor's property. The LLA makes the shed on the property line more conforming. He was asked to show the approximate location of septic on the map, which the applicant verbally indicated was far away from the proposed lot line. Other utilities were shown on the map. Ben motioned and Simon seconded to waive the public hearing, and all were in favor none opposed. Lauren noted there is one farm nearby, but the applicant felt it was over 500ft from the proposed lot line. Ben motioned to waive the subdivision review process in lieu of a lot line adjustment review, Simon seconded, all were in favor none opposed. Jen motioned to approve with condition that septic be marked on an updated survey map, Ben seconded, all approved and none opposed. The applicant will bring their application fee check with the updated maps.

Taconic Biosciences presented their updated analysis regarding the adequacy of groundwater withdrawal related to the proposed site plan to expand the capacity of their wastewater treatment plant and related SPDES permit. Ben asked if a hydrogeological study could be requested, and Town Attorney Corinne indicated that it could be requested via a positive declaration to SEQR review. If no additional materials are requested, the Board can review parts 2 and 3 to issue a negative declaration of significant impact to the environment. Member Jen indicated that she now plans to recuse from further discussion and voting, as the applicant's recent materials include a report prepared by her company. Although the materials were prepared by her company prior to her ownership of the company, and by a different employee who is no longer employed at the firm, she felt the appearance of conflict of interest in opining on the adequacy and completeness of her firm's past work was great enough to warrant a recusal.

Taconic's attorney, Paul Freeman, presented a summary of the sketch plan meeting between PB members Ben, Simon, Jen, and Taconic representatives. He indicated the meeting was productive, that Taconic is not expanding their operations at this time, and that the application is occasioned by obsolescence of the existing wastewater treatment plant and addressing a violation on their existing SPDES permit per an EPA order. Taconic had entered into a consent order to replace the wastewater treatment system with a better system, and there is a strict timeline they consented to in order to fix the current system. The current SEQR review is for the replacement of the WWTP, and Taconic asserts that it will help the environment. They seek a negative declaration of significant impact to the environment. They are not aware of Board concerns with the site plan application other than the potential for increased groundwater withdrawal. Taconic presented an analysis by Brock, the applicant's engineer from Delaware Engineering, which included a cover letter and excerpts from an application to the DEC in 2017 for their current water withdrawal permit, prepared by Crawford & Associates Engineering & Land Surveying, PC (C&A), and concluded that no adverse impact to groundwater would result from operations within the existing NYSDEC water withdrawal permit.

Ben indicated that he had asked for an estimate of the overall percent of the aquifer that was being used by Taconic, but it was not submitted. He sees potential increase in groundwater withdrawal capacity and is concerned, frustrated that materials were submitted with such short notice, and was unable to reach Jamie Malcom at the DEC to discuss his concerns. Engineer Brock indicated that in total,

the existing wells have 120 GPD capacity, and they are permitted to 100GPD. He indicated that the adequacy of this withdrawal capacity was demonstrated not by hydrogeological study, but by historic well production. He is not aware of any issues with productivity at neighboring wells. Ben indicated that the maps in the groundwater protection plan suggest that neighbors have very poor performing wells, and asked why each of Taconic's wells have been drilled deeper than the prior well; are they finding less water? Taconic is also in a high recharge rate zone, which suggests that the on-site wastewater discharges have a relatively high change of recharging groundwater supplies.

Simon indicated he was very concerned about water withdrawals, though recognized that upgrading the plant is necessary. He also did not appreciate receiving materials as late as they were received, and also tried to call the DEC but was unable to reach them to discuss concerns. Simon indicated that one restaurant in the hamlet, Gaskins, occasionally has to truck in water via truck, and the laundromat in the hamlet cannot operate late into the night because of well productivity issues. He noted that the groundwater protection plan recommends a hydrogeological study for any commercial use over 2,000GPD, and the applicant reasserted that there is no proposed increase over the capacity permitted by the NYSDEC.

Lauren was content with the materials provided by the applicant, is pleased to see the WWTP being replaced, and had no other comments. Chris recognizes the sensitivity of the aquafer, and that 100,000GPD is a very large amount, but he felt the applicant's arguments were presented well and had no additional questions. Kerrie and Garret echoed these sentiments and had no additional questions.

The Board reviewed Part 2 of the FEAF, and found no significant impact to the environment. Corinne prepared notes to include in Part 3 of the FEAF regarding concerns to ground and surface water. Ben moved to issue a negative declaration, it was seconded by Lauren, and 6 members voted aye. None opposed, and Jen remained recused. SEQR concluded. Chris motioned and Ben seconded to reopen the public hearing; all were in favor none opposed. The public hearing reopened at 8:30. Nobody from the public spoke. Simon asked when the DEC public comment period would begin, and the applicant indicated that it would hopefully be in the next couple of weeks, and that it would be noticed in the paper. After a 3rd call for public comments, Lauren moved and Chris seconded to close the public hearing; all were in favor and none were opposed. Ben motioned to approve the site plan review conditioned on additional escrow payment to cover Town attorney legal fees. Simon seconded, and 6 were in favor, none opposed. Corinne indicated she will ask Jamie Malcom at the DEC to send notification to the Planning Board when their public comment period opens.

There is no Old or Other Business discussed and on a motion by Jen, seconded by Ben, with all in favor and none opposed the meeting was closed at 8:39pm.

Draft minutes were prepared by Board members Jen and Ben.