

GERMANTOWN PLANNING BOARD
MINUTES
DECEMBER 12, 2024

The meeting was held at the Town Hall with the following members in attendance: Chairman Garrett Montgomery, Kerrie Abela, Chris Brown, Simon Burstall, Jennifer Crawford, Benjamin Davidson and Lauren Williams. Town Attorney Corinne Smith and Town Engineer Adam Yagelski.

The meeting was opened at 7:10pm.

Pledge of Allegiance

The minutes of November 7, 2024 were reviewed and on a motion by Ben, seconded by Lauren, with all in favor and none opposed were accepted with the following amendments: page 1 and page 2: add Bianconi to attendee name Marybeth, and correct spelling from Dickinson to Dickason.

Other Business:

The following announcements were made to the board and all in attendance:

- Blood Drive fundraiser and welcomed all to attend on 1/11/25
- Winter Glow and Activities and welcomed all to attend on 12/14/24
- Several members are unable to attend regularly scheduled meeting on 1/30/25 and on a motion by Chris, seconded by Jen, with all in favor and none opposed the meeting date was changed to 1/23/25

Public Hearing(s):

There are two Public Hearings on the agenda and prior to either opening Chairman Montgomery addressed all members of the board and attendees and stated that all comments will be kept to a 3 minute time limit, anyone speaking out of turn or being disrespectful may be asked to leave or escorted out by the Sheriff in attendance and that the board has been thoroughly reviewing the application for the proposed ground mounted community Solar Farm on 708 County Route 8 for a year with the Town Attorney, Town Engineer, considered all public comments and that the determination of the board will be made based on the Town Code and Laws and not personal feelings. In addition, he shared that mailings have been received by residents about the solar farm and appear misleading and would like it stated for the record that the mailings were not sent by the Town of Germantown or Secretary DelPozzo. Attendee Santiago Suarez raised his hand and stated that he sent mailings to residents.

Twin Ponds Solar, LLC: Jutta Middel of Renua Energy and Chad Dickason Managing Director of Free State Solar returned before the board for the continued review of the application for a Site Plan and Special Use Permit for a proposed ground mounted community Solar Farm at 708 County Route 8.

The board proceeded with the review of this application and Chairman Montgomery read the prepared Resolution pages 1-12. The question of the adoption of the Resolution Issuing Negative Declaration was duly put to vote, which resulted in a 7-Yes 0-No unanimous determination that the Project is not likely to cause a significant adverse impact on the community character and has been approved and declared duly adopted. An electronic record is available on the Town Website and notice of the Negative

Declaration will be filed with the Town Clerk, Town Supervisor, Lead Agency (GPB), DEC, all involved agencies, attorney for the Town, and the Applicant.

Attorney for the Town, Corinne Smith, stated that the application was referred to the Columbia County Planning Board, their letter of approval and list of informal comments has been received and filed in the applicant's record.

On a motion made by Ben, seconded by Lauren, with all in favor and none opposed, the Public Hearing was opened and the following comments were received:

David Behl: opposed-resides in Clermont adjacent to proposed location of project, concerned with esthetics, wildlife, hunters, corridor habitat, change the look and value of properties, "rural" area, deer eating through fence, loss of trust of town and submitted a video that was played.

Billy Kimmel: opposed-20-year resident and has seen a lot of change, has been on committees, and stated that the people who live here are not considered and that there has to be room for taxpayers' opinions. Who is this benefitting? and asked the board to please consider residents in their determination.

AmyJo Davison: opposed-resident and ZBA member, where is the money and how will it be monitored, concerned for property values, and that she is pro solar and stated that there is a better way.

Mimi Brauch: furious and opposed- no consideration of climate change, flooding, the environmental impact, water pollution, will feel trucks rumble going by, bird life, solar is not of value, Town does not benefit, landscape and she will be negatively affected.

Rachele Hubard: opposed- read law concerning physical character, the project seems one sided, asked audience and board who would trade property with three abutting property owners to project, project should be placed in industrial area, and that she is taking names of board members and will put in newspaper. The Town Attorney responded that no threats will be tolerated.

John Salerno: opposed- has attended all meetings and listened to all the lies and stated the board can deny this application because it doesn't meet characteristics of the Town, applicant did not talk to all neighbors, there are streams located in the area, and that the applicant lied about property purchase.

Santiago Suarez: opposed- has previously submitted his objections, has right of first refusal for purchase of proposed project property site, that he asked Mr. Della Vecchia to allow him to save money for future purchase of the land, requested letters of intent and asked why letter is confidential, asked if property has been purchased or leased and stated that he would like to exercise his right of purchase.

Jesse Cutaia: stated that he resides in Clermont and wanted to address the board about placing conditions on their determination, property taxes, acquiring a pilot and host agreement by the Town and Columbia County EDC and that he felt the developer needed to mail notices.

David Gifford: opposed- owns property near site, how reliable is project and how does it affect the grid, creates environmental impacts and burden of oversight, direct conflict of Comprehensive Plan, does not maintain rural character, will this be sold as stated in previous meeting and shared an article from Red Hook, NY.

Helen Lang: opposed- asked the board to address how it will benefit the town, estimated life of project, what if the company goes bankrupt, why so big in size and is this a “done deal”. She was answered that the Solar Array is 18 acres, and the board is going through all regulations and will talk about questions regarding a pilot plan.

Chris Sullivan: opposed- stated that the project will destroy the town, will have health effects from UV radiation, wildlife and environmental concerns, birds will fly into the panels thinking its water, squirrels can chew wires, risk of fires and loss to homes and lives, and asked who will protect the people and animals.

Antonio Giammanio: opposed- concerns for his grandfather, there is no benefit to residents and agrees with statements made by John Salerno.

Martin Lueck: opposed- stated he would not have known about hearing and project without the mailings sent from resident, stated that board should review comprehensive plan, he was on that committee and the all stated there would be no solar in town.

Rachele Hubard: asked, where is the owner?

Written comments were received from William Mead, Angelika Westerhoff, Noelle Shea, Susan Bodo and Kristy Haefelin and will be filed with the application.

No further comments were received and on a motion by Ben, seconded by Kerrie, with all in favor and none opposed the Public Hearing was closed.

The board continued their review and asked Attorney Smith to address a PILOT Program and the following was discussed: draft PILOT would include size per mw, percentage town would receive estimates and duration of payments, tax base, no AG deductions, and approval by Town Board.

Danielle Gottesman: John Palmucci returned before the board representing the applicant who seeks a Special Use Permit for a proposed Accessory Apartment at 168 Round Top Road. Mr. Palmucci stated that all requested documents were submitted and that the property was surveyed in 2022 for a Subdivision.

The board proceeded to review newly submitted documents that included drone photos of the site and all existing structures and map and discussed the following: survey maps are not stamped, driveway fire access, amendments to the SEAF Part 1, dimension of setback not noted on survey, and square footage of structure from architect as 783sf.

The board determined that they would still require a stamped survey including utilities and boundaries or reference of the previous survey by architect on the submitted survey and a letter from CEO Mullins with confirmation of fire access for driveway. Mr. Palmucci stated he believes they submitted all requested documents and called Tom Vasta who appeared for initial review and he stated that the existing structure will not be removed/replaced at this time, it will remain and have renovations done to interior. Members requested drawings of the existing structure be submitted for review and contain all measurements and height of building.

On a motion by Lauren, seconded by Jen, with all in favor and none opposed, the Public Hearing was opened.

No comments were received from zoom audience or attendees. No written comments were received.

Motion to Adjourn the Public Hearing was made by Ben, seconded by Chris, with all in favor and none opposed.

New Business:

Tom Hall: Phil Tillou and Michael Pierce appeared before the board representing Tom Hall the applicant who seeks a Special Use Permit for a proposed 800 sq. ft. Accessory Apartment at his property located at 46 Queensbury Drive. The project will be an L shaped single story, 1 bedroom with 1 closet, 1 study guest house, open kitchen and living room, wood siding and metal roof.

The board reviewed all documents submitted which included: owner consent for representation, Special Use Permit application, Ag Data Statement, SEAF Part 1, existing survey August 2024, copies of preliminary elevations, AG map of Germantown, copy of proposed structure and copy of Architectural Plan of proposed structure and discussed the following: well and septic, fire access of driveway, height of building, lighting fixtures with cut off of 14 feet , incorrect tax map id, setbacks, wood siding and metal roof. The board requested the applicant submit for review letter from CEO Mullins for fire access, stamped survey and amendments of tax map id, and approval of septic by Civil Engineer.

The Board proceeded to review Part 1 of the SEAF, amend #9 from No to Yes and applicant signed.

Motion was made by Chris for the Board to be Lead Agency, seconded by Lauren, with all in favor and none opposed.

Motion was made by Jen to declare this project as a Type II action, seconded by Chris, with all in favor and none opposed.

Motion is made by Jen to schedule the Public Hearing for January 23, 2025, seconded by Ben, with all in favor and none opposed.

After the review of applications, the board continued their discussions of business which included the following as it pertained to the proposed community solar farm: threats of litigation were the board to deny an application based on character, site visits and community concerns about solar farms, location of proposed solar is "set down" lower on site, community is concerned with "something new", moratorium and clarification of town solar policy, ask town attorney character aspect of determinations, letter of credit annually and how does the applicant return for that, surprise of statement received regarding comprehensive plan and members of the Planning Board expressed desire for discussion with the Town Board for their comments about proposed solar farm.

On a motion by Lauren, seconded by Kerrie, with all in favor and none opposed the meeting was closed.

Jami L. DelPozzo
Planning and Zoning Secretary

