

## Germantown Planning Board

### DRAFT Minutes

January 23, 2025

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 the Town Engineer Adam Yagelski were also in attendance for the first matter on the agenda.

The meeting was opened at 7:05pm

#### Pledge of Allegiance

The minutes of December 12, 2024 were reviewed and on a motion by Chris, seconded by Ben, with all in favor and none opposed were accepted with the following amendments:

- Capitalize all letters of acronym PILOT in both uses of the word on page 3
- Last page 2<sup>nd</sup> to last paragraph, amend to "...threats of litigation were the board to deny an application..."
- Last page 2<sup>nd</sup> to last paragraph, amend to "...regarding comprehensive plan and members of the Planning Board expressed desire for discussion with the Town Board..."
- Last page 2<sup>nd</sup> to last paragraph, amend Town Boad to Town Board

## **Old Business**

### **Twin Ponds Solar:**

The Board reviewed draft conditions for site plan approval. The Town Attorney advised that the Board is obligated to issue a decision on site plan approval within 62 days of issuing the negative declaration, and the applicant has agreed to extend that timeframe to at least the February 27 meeting of the Planning Board. Comments from the Board on the draft conditions of approval included:

- Confirming the material for the proposed road would be updated per engineer's comments
- Hours of construction would be limited to no unreasonable noise and/or light on weekends, holidays, or outside the hours of 6am-6pm
- Confirm that fence will not be 6" off ground per applicant attorney summary, but rather at-grade/slightly buried with gaps at specific intervals in order to better contain grazing animals in the future.
- Request that the conditions reference specific dates of approved materials, as well as clarifying which SPDES permit the applicant will need to comply with

- Confirming that plans are updated to include self-locking gates
- Maintenance lighting to be manually activated and lit only during active maintenance activities, light specifications to be provided to town engineer
- County advises gravel driveway around full perimeter, though engineer said the code enforcement officer can waive that part of the building code. The board requested confirmation that culverts are installed where necessary and cross slopes are suitable for grass-surfaced access for Fire Department's off-road brush fire apparatus, including a top-heavy UTV and 4wd brush truck, for full 20ft wide perimeter access within the fence. The board noted that the Fire Chief had reviewed plans and did not require full gravel perimeter, but rather to ensure all sections of the perimeter could be reached with 200ft hose length and can be safely traversed with brush fire apparatus, engineer to confirm. The attorney noted that the O&M plans and site plans should be reviewed to ensure consistency across materials.
- The board discussed whether well testing was warranted within 500ft of the proposed site, and the engineer indicated there are about 8 wells in that vicinity. The Town engineer indicated the project was unlikely to have significant impact on groundwater existing wells per their analysis, and that the larger concern was from surface water contamination via erosion and sediment transport, which is mitigated by the SWPPP.
- The board asked whether the applicant would agree to a Host Community Agreement to help mitigate concerns about impacts to neighbors. Specifically, whether an HCA would include a commitment to priority access to subscriptions for discounts on utility bills for Germantown residents. The applicant agreed to look into it, but indicated the subscription process is heavily regulated by the state and they may not be able to make that commitment. The attorney advised that an HCA is under the purview of the Town Board, but that the Planning Board may be able to include it as a condition of the special use permit.
- The board asked about progress with the PILOT, and the town attorney indicated that the Town Board had completed their portion and the applicant now negotiates the PILOG with the County IDA. The county has a cap of \$4,500/MW, but when negotiated through the county the Town receives a higher percentage of overall funds (25%) than if the Town negotiated directly.
- The board reacknowledged that the existing field has been actively used for agriculture in recent past, specifically haying, and that all final materials should be consistent on that.
- The board asked what guarantees the Letter of Credit for decommissioning gets renewed in the future. The town attorney reassured the board that the Town code requires it, and the LOC is an agreement between the bank and the Town, and that the funds are protected even if the project company goes bankrupt and even if the project is sold to future owners.
- The board asked about maintenance of stormwater management practices, and redundancies in the protection of surface water contamination. The town engineer indicated there will be an active permit with the state during construction, that a qualified inspector would be on-site weekly, and that the inspection reports would be shared with the Town engineer for review. The

SWPPP speaks to long term maintenance requirements of stormwater management practices, and the O&M manual should also speak to maintenance of those practices.

- Town attorney asked that the applicant remove the exception for vandalism or acts of god in the O&M vegetation management plan, as it will be the applicants obligation to replace plantings even in those scenarios by use of insurance and/or prosecution of vandals.
- There were multiple seed mixes referenced in draft plans and O&M manual, and the board preferred mixes that are non-toxic to sheep in order to encourage future owners to consider animal grazing as a means to manage vegetation.
- Town attorney requested additional clarity on the proposed mowing schedule in the O&M manual, including a minimum frequency of mowing, and submission of screening inspection reports.

## **Public Hearings**

### **168 Roundtop Special Use Permit for an accessory structure**

The board reviewed the application and noted that the new building is less than 800SF, but that the existing building is 18ft tall and will need a height variance. The submitted DOH approval was for 150 Roundtop, the neighbors, and not for 168 Roundtop, the applicant site. The board noted that site plan review was not required for construction of 1-2 family dwellings, and that they were just reviewing a special use permit.

Ben motioned to re-open the public hearing, Simon seconded, and all were in favor. The public hearing was opened at 8:53pm. There were no comments from the public, and Lauren moved to close the public hearing at 8:55pm with Ben seconding and all in favor.

The Board declared themselves lead agency with motion by Lauren, second by Ben, all were in favor.

The Board categorized the action as type II under SEQRA with motion by Jen, second by Ben, all were in favor.

The Board reviewed Part 2 of the environmental assessment forms and found no significant impact with motion by Kerry, second by Lauren, and all in favor.

A motion to approve the application with conditions was made by Lauren, seconded by Simon, and all were in favor. The conditions included:

1. Update the denial letter from the CEO to accurately reflect the scope approved, which is to turn the existing barn into a duplex and convert the existing single family residence into an accessory dwelling.
2. Applicant to provide County DOH approval for 168 Roundtop before obtaining building permit
3. Applicant to obtain a height variance from the ZBA

#### **46 Queensbury Drive Special Use Permit for accessory structure**

The public hearing was opened at 9:08pm by motion from Lauren, second by Ben, all were in favor.

The board noted that the front yard setback had a minimum of 65.3ft, though the code requires 75ft so a variance would be needed from the ZBA. The applicant is converting an existing 3bd to 2bd with an office in order to avoid increasing septic flows, which will be enforced by the CEO.

No comments were received from the public, and the public hearing was closed at 9:14pm by motion from Lauren, second by Ben, all in favor.

The Board reviewed SEQRA part 2 and found no moderate to large environmental impacts.

A negative declaration was issued by motion from Ben, second by Kerry, and all were in favor.

The Board approved the application with conditions by motion from Lauren, second by Ben, and all were in favor. The conditions included:

1. Obtain variance for the front yard setback from the ZBA

#### **New Business**

##### **Rifenburg Lot Line Adjustment**

The board reviewed lot width, setbacks from existing structures. The board made adjustments to the applicants SEAF including updating 3a and 3c to show 8.370 acres, indicating that it is an approved zoning use and in conformance with the comprehensive plan, and indicating that it will meet or exceed NYS energy efficiency code.

The Board agreed to waive the public hearing by motion from Jen, second by Kerry, and all were in favor.

The Board declared themselves lead agency by motion from Ben, second by Simon, and all were in favor.

The Board classified the action as type II per condition #c.16 with motion by Ben, second by Lauren, and all were in favor.

The Board reviewed part 2 of the SEAF and found no significant impact with motion by Ben, second by Lauren, and all were in favor.

The Board approved the lot line adjustment with conditions by motion from Ben, second by Simon, and all were in favor. The conditions included:

1. Applicant to obtain ZBA variance for 10ft side yard setback

2. Applicant to provide maps from the surveyor showing updates to comply with Town Code section X.C.2.b

### **Other Matters**

Ben noted that he wished to withdraw comments about the Town Board's review of the solar zoning law during the moratorium.

Garrett noted that they are tentatively planning a 2hr training scheduled for Saturday March 1 at 1pm, TBD on topic. They'll try to schedule another training session in the fall.

Ben noted that he will not be able to attend the February meeting.

The meeting was closed at 9:45pm by motion from Kerry, second by Ben, and all were in favor.