

WORKSHOP MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, August 15, 2024

CALL TO ORDER TIME: 5:30pm

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

OFFICIALLY OPEN THE MEETING

Attendance: Board Members: Scott McCarthy, Charly Long, Carl DiLorenzo, Franco Zani, Gerry Marion, Bill Meltzer, Lambros Violaris, Fred Pizzuto (Alternate), Evan Pendleton (Alternate), Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott, Christian Moore, and Sarah Van Nostrand

Minutes to Approve at the August 22, 2024, meeting
July 18, 2024 & July 25, 2024

Administrative Business:

ADC Ulster (Falcon Ridge)

Paul said that the applicant provided a really good framework for a draft scope, and the draft scope is all the homework that they are going to do to prepare the Environmental Impact Statement for the board's consideration. That will include reports on various topics, it will include a narrative environmental impact statement that will tie together those reports and essentially go through all the potential significant adverse impacts that the board identified, along with all the other impacts that the board identified that didn't have enough information to make a decision on whether there was a potential that they would be significant adverse impacts or not. The staff also looked at comments provided from the other involved and interested agencies, they found out through the National Park Service that the Department of State might want to be involved in the review of the environmental impact statement. They also reviewed comments from the public, in particular they had a pretty substantial comment letter from Scenic Hudson and all the consultants at the board's request looked at those comments even though they came in a day late. What staff asked the consultants to do was to look over what the applicant had provided and to provide additional details where they thought appropriate or pick up on some things that the board might consider to be important for its review of potential impacts. In his experience the more details you have in this document the better the initial draft environmental impact statement that the applicant can provide, the fewer questions that need to be resolved. Hopefully it will provide some efficiency for the applicant as well.

Christian said that their main concern is the potential impacts due to the treatment plant. It has potential impacts to water resources. Analysis should be included both onsite and offsite surface waters all the way down to the Hudson. The specifications of the private plant design and operations need to be provided. Treatment of the effluent needs to comply with the New York State Water Quality Standards and discharge needs to meet New York requirements. There are potential impacts of the discharge on plant and animal life. In the document there has to be a description of the method to collect, maintain and treat sanitary sewer effluent and evaluate all alternatives for the treatment, including connecting to the town sewer collection system and wastewater treatment plant, as opposed to the onsite treatment system. Evaluation of all of the the proposed and alternative sanitary treatment system needs to include potential cost to the town and the future residents of the development in the event of a package plant failure or mismanagement. Regarding traffic impacts, a traffic impact study will have to be submitted, they have identified roadways to be described and have identified five intersections that they want to have analyzed, later on they identify the different items that need to be analyzed, capacity, existing weekday/weekend, am/pm peak hour volumes. As they do the analysis, they will need to put a projection out several years to account for growth elsewhere to account for a total picture down the road.

Scott asked how long is that period of time.

Christian said usually it is about three years, usually they figure about 2-3% growth over 3 years. It is unclear if the DOT is going to be giving any permits, but they may want to know potential impacts because some of the intersections that they are looking at are on state highways. Typical concern in regards to stormwater and conformance with general permits for stormwater discharge for construction activities.

Paul said a wetland delineation needs to be done throughout the site not only on the army corp. ones, but also on the smaller wetlands. You are looking at a site that is formally agricultural lands, but they have to check for endangered and threatened species. Broadly the general populations of wildlife just to have a sense of what is on the site, how they move across the site, how they connect with other areas that are habitat, so that kind of wildlife assessment would be undertaken. They also want to look down the stream because if you are going to be discharging wastewater into a stream, there are different types of wildlife that are associated with that stream, so identify those, assess the habitat and identify the impacts. The applicant is looking at the existing conditions, what the impacts are from the proposed project might be and ways that the applicant proposes to mitigate those impacts to minimize them, to avoid them. They will be doing this for approvals that they need to obtain from other agencies for wetland crossings or for working near wetlands, the stormwater provide some mitigation because it prevents erosion. All that needs to be tied together, in this environmental impact statement and it relates to wildlife impacts as well. Looking downstream you are looking at how much wastewater is coming down, what is our existing conditions down there in terms of habitat, in terms of reptiles, amphibians, that sort of thing that may be present and how will those species be impacted by the proposed action and the wastewater discharge. The

other significant issue that the board brought up is the potential visual impacts. To make sure that the applicant doesn't have to work twice, so it might be helpful for the applicant to come to the board at various steps in developing their visual assessment, so that the board can make sure that it is comfortable with the methodology that is being employed, the visual resources that are being assessed, what are the public vantage points of concern that are being identified, so that when the applicant provides simulations of what the project might look like that they are from the places that matter, you don't want them to have to go back again. He just wants the board to have an opportunity to confirm the vantage points from which the visual assessment will be collected. The other thing that he has found that is very important is what is the modelling that you are looking at. What are the footprints of the development that are going to occur potentially on each of these 166 lots, there may be some constraints in the zoning code because you have to have certain setbacks from property lines for your buildings, but how big are the buildings going to be. That is something that the applicant has to bring back to the board to get them comfortable with what's being proposed. One thing he will say, and it is a part of the scope as well is that the applicant has the opportunity, it's not something that the board can impose upon them, but they have the opportunity to say that they are limit the size of the buildings to certain square footage because then you know, when they do their visual simulation exactly what it is going to look like. If you don't do that and they say they are modelling 2,000 square foot footprints, but after you do your SEQRA review somebody comes in and they want a 6,000 square foot footprint that's potential impact that they haven't really looked at. That is one way the board can gain more comfort, but it is up to the applicant, otherwise staff will keep reminding the board that there is some risk there. That is the step-by-step approach that staff is recommending for doing the visual assessment, both to make sure that the applicant doesn't have to come back and also to make sure that the board is touching all the bases that are important along the way, to make sure they get a report that is truly going to reflect the potential visual impacts that they are going to see. Related to that Christian mentioned the tying into the public sewer, the applicant needs to look at alternatives, that is particularly important when it comes to the visual impacts. The alternatives that have been proposed for the applicant to look at are, what if they moved more of the development to an area on the site that is going to be less visually impactful, is that possible. He thinks one of the other alternatives is the possibility to have fewer lots. These are things that the applicant needs to evaluate and provide a response for, they are only obligated to do what would be reasonably feasible, to look at reasonably feasible alternatives, they have a project objective, and they have defined that, so what is reasonably feasible that can still achieve their project objective. Everything that they try to do here in making recommendations for studies and review, ultimately, it's a test of reasonableness. You cannot have them do a multi-year study and the scope cannot be so big in terms of what you require that it is beyond what you reasonably need in order to evaluate the impacts of the project.

Beth (Hudson Cultural) said that there is a need for a phase I archaeological investigation and the need for consultation with the New York State Preservation Office (SHIPO) and any identified cultural resources from the archeological survey should be discussed along with any potential impacts to those resources from the proposed

development. They should include a discussion of any indirect impacts to above ground resources, this ties into the visual aspect. They should consider any indirect impact to any national or state eligible or registered properties, if the findings are that there will be an indirect impact to include a discussion of potential mitigation measures for those, also include in the document the details of the consultation with SHIPO and any other involved agencies. As there is an army corp. component and there is a federal component, they just ask that the indigenous communities or tribal nations choose to participate in the consultation process, and a discussion of the consultation be included in the final report.

Paul said another big concern is the issue of human health, as the property was formally agricultural. They have added in a request for a soil contamination assessment, and if needed a soil remediation plan. That along with a phase I environmental site assessment, which is a normal due diligence thing that developers do for a project site is to look at broader potential for release of chemicals, historically on the site. He believes that there are a couple of old buildings on the site, normally asbestos assessment and talk about how any of the asbestos that is identified would be managed. The idea was to try to get a revision back to them as they are just beyond the 60-day timeframe for the board's approval. If the board is comfortable with the revised scope, then at next week's meeting staff would recommend its approval. If the board wants to take more time, they would need to ask the applicant for an extension, if the applicant needs more time because it was just dropped on Monday, then that is something the board may want to consider as well. He spoke with the applicant's agent, and they want to get going on this, but there is some balancing they want to make sure everyone is on the same page in terms of what you are going to be doing. One of the things he thought about and recommends to the board if they want to move forward is, if there are questions along the way that can help refine the work that you are doing, then perhaps staff can have those conversations with the consultants for the applicant and bring back major issues to the board, but at least that way you can get things going.

Scott said the board only received it on Monday, so he doesn't know how many of the board has had chance to go through it, to be able to ask many questions. Just because of the short amount of time that they have had to go through it, he would like to ask for a little bit more time.

Board agrees they need more time.

Andy (Applicant's agent) said Paul is correct we just received this, they have had like the board members a limited amount of time to go through this and the applicant would consent to an extension to the board's September meeting, to give the board more time and the applicant more time to review these proposed edits to the scope. In their opinion, there have been some substantial additions to the draft scope have been submitted, they would like the opportunity to go through those. Paul mentioned the visual, their quick review of the expansion of the section dealing with visual impact assessment in the scope is pretty substantial and they would like the opportunity to go through that and have their technical consultants review that and make sure that's appropriate for the

scope. Their concern here is obviously there are a lot of folks looking at this project, you have public comments including a rather extensive letter from Scenic Hudson. If you have a draft scope that is very extensive there is the potential argument both at the acceptance of the DEIS stage as well as potential subsequential litigation concerning the adequacy of the EIS that is prepared and whether it was in compliance with the scope. They are at a fairly critical stage, and they want to have the opportunity to go through this, just to make sure that the applicant's team as well as the board and its consultants are in fact in agreement on the scope going forward. They understand that this is the board as lead agency their final scope, but they view this as a cooperative process, they do want to make time to go through this. There are a couple of points that did jump out, one of the things that he did see, whether this was a legal addition or a technical addition he is not sure but has been added here is a suggestion that the EIS also will include a discussion of cumulative impacts. They know that the SEQRA regulations talk about short-term, long-term and cumulative impacts. Cumulative impacts however have a distinct legal meaning, and it is his opinion that this project does not trigger the need for cumulative environmental impact assessment, he wants the ability to discuss that with the board, with its consultants and counsel on that, he doesn't think that is appropriate to have the scope include a discussion of requiring cumulative impacts, that is potential litigation, which is an issue that no one wants. To have a document right now that talks about contaminated soil on the property, he thinks is also inappropriate and leads to the suggestion that there is contamination issues on the property. He thinks if that is going to be in here and he is not suggesting that it shouldn't be, former agricultural properties should be analyzed when particularly being proposed for residential use, but the document should have identified that as potential contamination and it shouldn't give the impression that there is existing contamination because he is not sure anyone has the answer to that. If there are issues to deal with, they know there are ways to deal with that though soil management, that will be appropriate coordinated, but it is a little bit too premature to suggest that there are contaminated soils there. Lastly when they talk about wastewater entering surface waters, the receiving waters, that likewise, he thinks has an inappropriate connotation, obviously the wastewater generated from residential homes will be going to an onsite wastewater treatment plant and it is only treated effluent, meaning DEC water quality standards, subject to a DEC discharge permit approval, that the receiving waters get, there shouldn't be a suggestion out in the public that wastewater is being discharged directly to receiving waters, it's not wastewater gets treated and then the treated effluent, subject to a DEC SPDES permit meeting state water quality standards is then discharged. They would like the document to be more objective in that regard. They do appreciate the additions that were added, in their view they are substantial, particularly with respect to the visual impact assessment, they would like time to go through that and coordinate with the town staff. Again, subject to his client's confirmation on the record, they would consent to pushing the time during which a final scope needs to be adopted to one of the September meetings.

Dan (applicant) confirmed the extension.

Justian (a part of the applicant's team) said the one that was already talked about that had to deal with water resources, where that cumulative impact of proposed discharge,

the DEC is going to dictate their effluent levels at that proposed location or if that location is moved. To Andy's point they would potentially ask for a modification to the description of what that report is looking for. The other point in the alternatives that Paul mentioned talks about larger lots, fewer homes with individual septic systems, they are capped at 49 lots without having to provide a wastewater treatment plant, so just something for the board to consider anything over that 49 lots puts them into the need for a wastewater treatment plant. The project before the board is working in coordination with the zoning to have a conservation subdivision, so 520 acres and 166 lots, where Paul mentioned the size of the lots for that type of conservation subdivision, they are proposing smaller lots that 15,000 square feet or 1/3 of an acre. They are looking to condense the development area on this 520 acres to even achieve the 166 lots, has been outlined in their sketch or concept plan that the board has been looking at the past couple of years.

Paul said the visual is different, a lot of times in development projects there is more limited Planning Board input than provided here but is glad to have that conversation to give them the opportunity to have their consultant look at it, he thinks that is a good idea.

Scott said at the workshop meeting next month they can talk more about this.

Villages PRRD

Review Status: Public hearing scheduled for August 22, 2024

Paul went over the history of the project. He said as with all these big projects things change, the economy changes and what has happened in part is that there is a need on the part of the applicant to find other sources of investment for the project. Back in August of 2023 there was a resolution and the applicant and the board thought it was going to be a sequential progression of the development of the project, but what the applicant has found as he understands it is in going and trying to find outside sources of investment for the project is that there is a need from those potential investors, potential lenders to have more certainty that's there's not going to be a continuing going back to the Planning Board for further approvals and the idea that was advanced to the Planning Board in this application that is before the board is that basically the site plans could all be approved because they have already been reviewed most of the details of those site plans, but subject to more ministerial conditions. Conditions like pay your recreation fees, satisfy the outstanding comments of the town engineer. Those are the conditions that the lenders find to be acceptable, there are also conditions that were included in that original resolution because they were very important to the board, that tie the cottages to the development of the assisted living facility, so that the board didn't end up with the cottages up on the hillside and no assisted living facility because without the assisted living facility, you don't have the PRRD that the Town Board had endorsed and that the Planning Board had approved. Those conditions were all in there, there are other conditions that were very important to the board, one was that the improvements to the wastewater treatment pump station had to be installed before certificates of occupancy

could be issued for the cottages. The last condition that was very important to the board for traffic safety purposes was the installation of the traffic light at Mayer Drive and 9W and originally that was tied to the issuance of certificates of occupancy for cottages in phase A. That was the original resolution and what staff has been working on with the applicant is to try and come up with an updated resolution that would provide the flexibility that they need in order to get investors to buy into the project, but at the same time consistent with everything that the town has done for the last five years and would protect the town's interests. In the meantime, there was an issue up on Apple Lane, some properties and some structures that were on the project site that had to be moved off the project site and so the applicant had promised to put in some remediation up there to provide additional screening from those properties. That provided the basis for the discussions that they had with the applicant on a resolution, they have provided that draft to the board, provided some of the history of how they got here in that draft resolution some of the reasons, the rationale, that he talked about in terms of why the applicant is seeking to change the overall approach, so that they can obtain investments, but at the same time to bring forward the conditions for approval to tie things to the assisted living facility, the pump station and the work done up on Apple Lane. What they did with the big condition change that they have gone back and forth on with the applicant; they have provided a rationale for a condition relative to the traffic light based on traffic safety that would require the installation of the traffic light within one year of the effective date of the resolution or before any certificate of occupancy can be issued for a cottage. That is a condition that the staff believes the board can impose if it needs to, but because they have worked with this project for the last five years, ideally it is a condition that they can live with and that would be the preference. He said that is the overview of the resolution that he has shared with the board and there is a public hearing next week. If the board wants to consider it and approve it, he recommends it at this point, he feels comfortable with this. Any development project is not without risk, any big development project is subject to change. Staff feels this is a way it continues the approach the board has taken, which is to protect the community's interest, but with recognition that having a continuing care type facility in the town will be a benefit to the community both in terms of the people who live there, but also will provide substantial property tax value for the community.

John (applicant's agent) said that what they are asking for is the Planning Board's approval of phases B-F, as the board may recall back in August of 2023 in addition to the overall approval for the site plan the board also specifically approved phase A. The issue the applicant is coming across is from the lender is they don't want to have to worry about periodically coming back to the board over the years, during the course of construction because boards change, laws change, things change, so certainty is what anybody likes and that is what they are coming across. They are asking for a resolution through phases B-F and to note there have been absolutely no layout changes, there are no changes to the layout from what the board approved in August of 2023, its just more detailed pipes, drainage, the board's engineers have reviewed it, if they haven't, they are going to review it in regards to stormwater. The phases that the board are considering nothing has changed from the overall site plan, that was approved by resolution and signed by the chairperson pursuant to that resolution. That is the big thing, the ability to

at least get the site plan signed when they are ready and to make sure that the conditions prior to signing the site plan are pretty much ministerial non-discretionary, so that way it is clear and there is no doubt.

Scott said you only knew about that after the August resolution was signed.

John said yes.

Scott said you are in agreement with the board here, that they haven't restricted anyone from doing anything as far as development progressing. They have received letters asking why the board is holding the project up.

John said the resolution that the board passed last August also allowed some limited work, they have done pretty much everything that they can do pursuant to that resolution, and they really cannot do anything more until the site plan for phase A is signed, so they are kind of stuck. He thinks they both had a different understanding of the August resolution and that is what they have working on, since February. One of the concerns was to make sure that it is built sequentially still, it can still be built in a sequential safe manner even though all the site plans can be signed at once. Obviously, the utilities have to be in place, everything has to be in place before the building inspector and the engineer sign off on any COs for the individual cottages. No one is arguing that those things should not be in place, they would like to have the ability to have all the site plans signed sooner rather than later, it just helps for financing purposes because the once the site plans are signed it eliminates a lot of the uncertainty.

Scott asked when would work start after the resolution is signed.

John said if the resolution was passed and signed, he can go back to the lenders and close, probably looking at 60-90 days to financing to close.

Scott said that will put them into winter again and there won't be much going on until next year.

John said correct, specifically for the traffic light, DOT has a cut off, you cannot do any work after November 1st. That unfortunately might have to wait until March or April, but he is pushing as hard as he can.

Dave said there will be clock.

Franco said the clock starts when the resolution is signed.

John said yes, he is anxious, and it is hundreds of thousands of dollars to take that chance without having that certainty, no bank is going to take that chance. With the signed resolution that will certainly help him get the financing he needs to make that investment to construct it.

Paul asked if he could speak to Apple Lane and specifically the traffic light in terms of the resolution.

John said as far as Apple Lane that is something that he is willing to basically take care of before he finalizes any deal with a lender, so if he has a resolution that's passed and finalize it, they are already talking to contractors, they are getting quotes and they are trying to line people up to get it done before the winter, he thinks the resolution has an October 31st deadline. They should be able to meet that deadline, but he is not going to do that until they get the clarification that they have been struggling with for the last four months. With a resolution that's passed that both sides have an agreement with and that allows them to proceed. For the traffic light as soon as he gets the financing, he will move forward with that. Obviously, that is a much bigger investment, so he's got to wait to make sure he has the financing for that because obviously he would probably prefer to get it up before November 1st, so that way he can pull COs in February and March, that would be ideal for him, but he is committed to getting that up and running and starting to work on it.

Christian asked where are they with the signal and have they ordered all the parts.

John said ordered it, delivered it, it's sitting in with the subcontractor.

Christian said they have all the things they need; they just need to install.

John said that is what he has been told.

Christian said that is what they were looking for, they were concerned if there was a really long lead time on the signal.

John said what he understands is that everything is sitting and just waiting.

Fred asked if there has been a lot of work in the ground for that.

John said correct, so at this point it's just the construction of the light from his understanding. It's all there, it's ready to go. He just needs that certainty to line up the lenders, it's still a huge expense.

New Business:

Jacobs, John & Mary: Subdivision 111 South St: SBL #87.3-5-2.314

Applicant is seeking a 4-lot subdivision.

Review Status: Application and plans circulated to the board.

Patti (applicant's agent) said that they are here for an initial discussion with the Planning

Board for a four-lot subdivision, it is actually a three-lot subdivision with a lot line revision. Due to the presence of the wetlands, they need a wetland crossing in order to access lot number three and lot number four on this project. As the board is aware this has been raised before as an issue in 2007 the private multiple use driveway specifications were eliminated and all private multiple use driveways now need to meet the private road specifications. Which requires a minimum pavement width of 20 feet with 4-foot shoulders. Again, with DEC obviously number 1 is avoidance, number 2 is minimization, number 3 is mitigation, so they need to demonstrate to the DEC that they are putting in the safest driveway that is required for accessing the two lots, but at the same time minimizing any potential impacts on the wetlands. The engineer is working with the applicant on this end, they are proposing a 16-foot-wide roadway instead of a 20-foot-wide roadway. Also, the required right-of-way is 50-feet, and they are proposing 30-feet because the wetland narrows as it heads northerly, so the closer to the northerly boundary line that they put the driveway the better it would be as far as minimization. They did submit a letter of intent, she sees that the plan that was supplied to the board does not show the required turn outs, but they did note that the shared common driveway will require a crossing permit from the DEC as DEC requires impact mitigation to the greatest extent possible. The applicant's engineering is proposing a 16-foot-wide driveway to service all emergency vehicles, with the turn outs as required by town code, she will make sure those are added to the plan. The main goal that they wanted to achieve tonight is two-fold. There is another provision in the code that says the maximum length of the roadway is six times the minimum lot width at the building line, but in no case longer than 1,250-feet. The driveway that they have on here at this point in time is about 1,800 linear feet because as you can see the way the wetland configuration is they have to go that far back on the property in order to have building sites, so because this is part of the highway code and not part of the zoning code, who needs to grant relief for that.

Dave said he can make a determination for this, but it will be referred to county highway and the fire department.

Patti said as the board is probably aware that the DEC has their new regulations for wetlands that are going to go into effect in January of 2025, so one of the things that they are attempting to do is get in front of the DEC as quickly as possible. Their request would be to work offline with the fire chief, with the town department, with the town's consultants, so they can hopefully come back to the board next month with a plan that has been reviewed and accepted by the parties for this board's consideration.

Dave said if the maps could be sent as soon as possible with the pull outs and a turn around at the end. Once he has the maps, he can get that to highway and the fire department, and he will ask for comments from them.

Carl asked how they are going to cross the wetlands is going to be a bridge or are they going to fill them in.

Patti said someone else is doing the design on that, she is not sure if she has seen plans

on that yet. She thinks part of that is going to be a negotiation with DEC, she thinks part of it is going to be dependent on what level criteria that wetland is, whether they have concerns about keeping open on the north and south side for any amphibians that might want to cross, so there might be a necessity for a culvert, she thinks that the actual crossing of the wetland south will be part of the design that is worked out with DEC regarding what they are going to be requiring. What they are looking for from the town's perspective is with regards to the specifications as far as width.

Carl asked is there standing water there, is there water running through it, is it a marsh.

Patti said seasonally.

Carl said it's a seasonal stream.

Patti said there is no actual stream.

Carl said it is just wet, so it is DEC wetlands.

Patti said it is.

Dave asked if there is a farm track there now.

John (applicant) said it goes along the lot line.

Dave said there used to be a farm trail there that goes all the way to the back.

Scott asked if this is a flood zone.

Franco asked if on lots 3 and 4 if they plan on putting in above ground septic systems.

Patti said she doesn't know if soil testing has been done back there yet.

John said they have not yet.

Dave said that New York State might have some case law coming out regarding army corp. wetlands.

Christian said there are two parcels in the back, and one is landlocked that they un-landlocking.

Franco asked where the back lots are located.

Patti pointed out and said that the back lots are between the two wetlands.

Scott said and the septic systems for the two lots are in that area as well.

Patti said yes.

Dave asked if anything was going to be in the 100-foot buffer or if that was going to be an ask from the DEC.

Patti said they are not proposing anything in the buffer area.

Christian said that he is concerned about the driveway length he scaled to be about 2,000 feet from the road to where it splits roughly. DEC resource mapper also indicates potential presence of army corp. wetlands in addition to the DEC. If the project moves forward, they will have to look to the DEC for a stormwater permit. They are creating a flag lot, just one, he wants to verify that lot number 3 is not classified as a flag lot because they have the 150 foot all the way from the front.

Patti said that is correct.

Christian said to that he looked into the code, and it says that each flag lot shall have a minimum lot frontage of 25-foot on a state, county or town road to provide an access way as required and such frontage shall include adequate dry land area, with topographic conditions suitable for driveway access. They are currently showing the 25-foot pole portion along the south property line, they are not getting access over that.

Dave said he spoke with the engineer and this layout played out better, the front two lots the way this is laid out. They had to do the flag piece because they couldn't get the double frontage for the back lots, so a maintenance agreement will be needed and that will satisfy the access piece.

Christian said as this project goes forward additional details will need to be added. The geometry of the shared driveway will need to be able to support emergency vehicles.

Patti said at this point they haven't even done the survey yet, as they want to make sure that this is going to work. She realizes that there are going to be substantial additional details that are going to be required for this.

Public Hearings:

Ohioville Solar: Special Use Permit and Site Plan: Crow Hill Rd

Applicant is seeking a special use permit and site plan approval for a solar array.

Review Status: Public hearing scheduled for August 22, 2024

Nick (applicant's agent, Carson Power) said that they submitted an updated site plan and SWPPP. DEC sent a final determination letter regarding the Northern Cricket Frog; they submitted the survey results that returned negative. All engineer comments to date were

submitted. The application should be pretty complete at this point, they are not expecting any more major updates.

Christian said their remaining SWPPP comments are administrative in nature. If this was a situation where the ponds were being constructed in someone's backyard, they would push really hard on it, but in this case, they are just going to ask, regarding minimum freeboard normally in a pond you have 12 inches of freeboard, in the ponds that you currently have with a 100-year storm you have a bit less than that maybe about 4-inches.

Fred asked what is a freeboard.

Christian said between the maximum water elevation and the berm, that's considered the freeboard elevation. In this case if it goes too high, they are just going to wash out their own access road, so it's not going to hurt anything outside of this development. If there is any way you can look to maybe get a little more freeboard, adjust some elevations, they would prefer that, but they are not going to go all the way to the wall with this. He would like to get a copy of the draft stormwater maintenance agreement he doesn't know if it has been prepared or not yet. Other than the freeboard issue they are okay with the numbers that have been provided.

Nick said that they will revisit the freeboard issue and will provide the draft stormwater maintenance agreement.

Paul asked when is Plattekill's hearing and are they posed to do a negative declaration.

Nick said their public hearing in Plattekill is August 27th and they are posed to issue a SEQRA neg. dec., there is no substantial public comment that needs further review. They have indicated that they plan to close everything out at the next meeting. These meetings line up in such a way that it is a little unique for August. His request to the board is, if public comment is light, as the public hearing is next week, his request for efficiency's sake and they can provide an update after Plattekill's public hearing and determination on the site plan and SEQRA. He would like this board to consider issuing a conditional approval on approval from Plattekill and SEQRA neg. dec. to avoid coming back for another meeting.

Paul said if he heard correctly that their meeting is on the 27th.

Nick said yes.

Paul said the board cannot do anything until they do their SEQRA determination, this board cannot make a decision until Plattekill makes its SEQRA determination, so unfortunately, they will not be in a position at next week's meeting on the 22nd to provide any site plan approval for this project.

Nick said just so he understands, the board cannot condition this project.

Paul said Plattekill is the SEQRA lead agency for the project and before any agency can approve a project SEQRA has to be completed, so they just legally cannot do it next week, under any circumstances.

Nick said he will keep everyone in the loop then.

Paul asked is Plattekill a special use permit or site plan.

Nick said site plan and special use permit.

Paul said then Plattekill could deny it potentially.

Nick said if the board has their conditional approval on theirs then that would be a non-issue.

New Short-Term Rentals:

Naranjo, Cesar: 269 Pancake Hollow Rd.

Review Status: Application and supporting documents circulated to the board.

SEQRA Status: Type II

Potential Action: Open public hearing.

No Applicant, project tabled

Motion to Adjourn.