



**TOWN OF CAIRO PLANNING BOARD**

**PO Box 728, Cairo, NY 12413**

**Chairman-Joe Hasenkopf**

**Email: [planning@townofcairo.com](mailto:planning@townofcairo.com)**

**Meeting Minutes:** May 3, 2018

**Members Present:** Joe Hasenkopf, Allen Veverka, Kevin Hick, Ed Forrester, Elizabeth Hansen and Stacey Poulsen

**Absent:**

**Pledge of Allegiance**

**Approval of Meeting Minutes for April 5, 2018**

The first order of business was to review and approve the April 5, 2018, meeting minutes. A motion was made to approve the minutes by Kevin, the motion seconded by Allen, all were in favor, the motion passed and the minutes were approved for the record.

**Public Hearings:**

**1) 2018 -- 0205 – 1128 NYS Route 145 – Holiday House, Teitelbaum**

Aida Teitelbaum presented her project to the Planning Board and the public. Her plan is to reopen the Holiday House and try to go back to the past and restore its glory. Aida explained the resort was very dilapidated and she has been working on restoring it for the last four years. Working to improve everything.

Questions were posed by a neighbor, Judy Clearwater, who lives at the end of Holiday Lane. Mrs. Clearwater stated she was concerned that maybe Aida doesn't know exactly what she's getting herself into with regard to state regulations and new codes. She stated that their well is right there between creek that runs through her property, which runs into the lake, which runs into the stream, which runs into to Catskill Creek. Her concern is that the septic is brought up to date with today's codes to protect the water in that area. Judy has lived there 13 years with no problems with the water. Last year the creek was really bad. A lot of debris had gotten into to the creek, not sure who's responsibility it is to keep that open so it flows into the lake.

Aida explained that one of her neighbors cut some trees down on her property without asking her and that he promised that he would return to clean up the mess he made - that was two years ago.

Ted Banta, another neighbor, spoke up and said he welcomed Aida's efforts and supports resurrecting the Holiday House. Ted asked Aida if she has been working with the town to address the outstanding violations that exist. Aida replied affirmatively and assured him that she has been in contact with and will conform to whatever specifications the town building department held her to. Ted asked also what she's doing with regard to wastewater management to meet current guidelines. Again, she indicated she would follow the direction of the Health Department, DEC or whatever requirements she needs to.

Joe indicated that the actual flow of the water is not something PB regulate. Location of the septic system is something the PB would comment on. He instructed Aida that in order for her to open up the Department of Health will have to approve everything and it will all have to be up to code.

2) **2018-0305 – John Mitchell – 4365 NYS RT 23 – Cairo, NY 12413**

John Mitchell presented his project to the Planning board and the public. Looking to put up a new Morton building for an e-commerce company on property located near the medical building on Route 23. Chairman asked for drawings and PB reviewed. Putting up a basic, open space Morton Building engineered by Martin and installed by them. No questions or concerns were raised by the public.

3) **2018-0203 – 258 Old Route 23 – Cairo NY 1, LLC Community Solar Project – CEC Development, C.T. Male Associates**

Joe Shanahan introduced himself as the Director of Real Estate and Permitting from Clean Energy Collective (CEC). He explained that CEC has been in operation out of the State of Colorado for last 7 years and that they are currently the Nation's leading community solar solutions company. They have developed 73 projects in 15 states and partnered with 33 different utilities in those 15 states. Joe said he is new to State of New York but in the last 12 months he has permitted 5 projects. CEC is Nation's leading developer of such facilities as well as being the most awarded company. A number of awards received over last several years, including recognition by the Department of Energy. The instant project will be located on property at 258 Old Route 23, the Nohmer property, which is almost 93-acres. CEC has leased 15 acres of that parcel to develop a 2 MW project. The project itself will be built on a 15-acre parcel. The solar arrays themselves take up approximately 8.7 acres of that 15 acres. He briefly explained how a community shared solar as being a little different than what people are aware of. CEC develops what they call cooperative solar.

He continued to explain that in the United States only about 22% of homes are suitable for rooftop solar because of shading or perspective of the house. This type of cooperative addresses people who may want to participate in solar renewable energy and get the benefits of solar. CEC essentially builds the facility and allow residents to participate in it. The analogy he used to explain the concept was a garden collective. For example, people in the city desire fresh produce, and don't have the time or inclination to grow their own garden, they form groups of individuals with same desire, and once a week, one member of the group will pick up a large number of veggies and come back and allocate it to the members in the group.

Shanahan explained that's basically what CEC does with energy production, Build the facility and allow residents to participate by taking a software platform and sharing it with the utility company. If someone wants to participate – the software picks it up on his electric bill, so no wires going to individual houses. Put production into the grid through 3-phase power, that feeds into the grid which keeps track of our production.

If in fact, the Town of Cairo doesn't use enough, CEC can go outside the grid and offer it to others, but it is first offered to members of community. This project will power 400-500 homes per Mega Watt, and in this case, close to some 1000 homes can be supported. CEC believes it's a Great benefit to the community. It's also the most passive type of development - we come in and build project (in 10 weeks) and after we leave there is no traffic as a result of the project. A maintenance crew comes in 3 times a year and we ensure that the grass is cut, inspect, make any repairs necessary. Consists of basically 4 vehicle trips a year.

There is no lighting at facility -- when the sun goes down, its dark, you don't know it's there, as it is not an industrial complex. The project generates no noise at all, no waste, hazardous or otherwise. Once CEC builds the project you don't know it's there.

Next Mr. Shanahan summarized the pilot program that CEC would enter into. Because this type of facility is located on personal property (taxes are paid by the landowner), the company feels it wouldn't be fair to not benefit the town with tax revenue. Therefore, what CEC does in every municipality, is they first meet with the town board, assessor and enter into a pilot agreement which is a payment in lieu of taxes – a fixed amount per megawatt, in this case 2 MW, sign contract for the life of the project. Every year CEC will hand the town a check for X amount of dollars. In this case the lease is for 25 years, 4 options of 5 years each. The town basically get a revenue screen.

Joe introduces John Munsey with C.T. Male who he explains better knows the details and who will explain how the project works. John speaks to the array layout being approximately 8.7 acres within the 93 acres. They are working collaboratively with the planning board and have made several iterations of site plan. The current version calls for 25 feet of existing vegetation around facility to remain in place with supplemental landscaping along the southern border. There is an existing driveway that's planned to be used to accommodate truck traffic. Also, there's an existing resident that rents out the house along with an area adjacent which is used for summer recreational purposes. The road goes essentially up a sloping hillside. CEC is proposing to install solar panels tiled toward the south and will relocating the driveway outside of fenced area, with a gated access in front.

Additionally, the project will be housed inside 7-foot high fence. The soils at site are glacial till, based upon deposits at the site. As suggested by the PB, CEC is adding a drip edge to ensure that the impact of rainfall flows off the sloping panels will not cause erosion. As the impact is over an acre, we developed a storm water prevention plan. A general permit was executed with the DEC. The plan has been certified by a CT Male engineer and will be submitted after we receive PB approval.

Couple more points offered by Shanahan: Planning Board already working with us. Some of the things discussed... This project is enclosed by 7-foot fence, the national electrical code requires such facilities to have 7-foot fence, and it is raised 6" off the ground to allow wildlife to pass through unencumbered. All panels sit 3 feet off the ground so what is under the panel prior to the project is what is there after it is installed. CEC generally takes position since there is nothing on the ground, rain is able to absorb just as much rain as before the project. Chairman brought up because the panels slant, the

rain is not absorbing the same as before installation. Therefore, at his request, we have added a drip edge to the base of every panel. As well, one of planning board members requested we put a fence within a fence around our equipment pad. Also, under the town law CEC is required to develop a decommissioning plan, so if the company were to go out of business and walk away the town wants to make sure the 8.7 acres of solar panels are not left behind. We have submitted the decommissioning plan which explains how CEC proposes to remove the panels and restore the site to its previous condition.

Chairman asked if anyone else had any questions. Ed asked a question with regard to the pile-based installation and how they determine the depth of the piles as it is not on the site plan. John explained. they are not required to show it on the site plan. John explained that it is typical solar panel detail, this is an all-pile supported by a series of racks installed periodically and bound together in sections. Technology analysis glacial tills – made to CED drive these piles to extent they can, then over drill holes and cap with gravel and drill again. Ed stated that as of now it sounds like they have no idea what depth would be. John stated it is generally below the frost line, typically 4-6 feet. The company does pull tests by coming in and determines how far they can go down. This doesn't need to be done until they start the project. They go as far as they can, if not deep enough, they over drill, pack with gravel, and drill again to correct depth. Explained need to understand that they are not building a building on top of these pilings and that there is not a whole lot of weight involved. Approximate weight of panel is 30 to 35 pounds, sort of weighs similar to a large recessed light.

A question was raised if they ever plan to add on to the project? Mr. Shanahan indicated that “no” they wouldn't add on as it would not be practical to come back and add on. Company approaches the utility before they come here and ask them if they have the ability to accept 2 MW. Most utilities come back and say no so that if improvements are needed, the solar company has to pay for it.

Stacy inquired what the definition of “initial operating period” was in the context of “savings to average homeowner could be up to \$85/year and \$2000 over the initial operating period.” They explained that would be the initial 20-year lease. Generally, the consumer realizes a 15% savings overall. As electricity prices go up, the savings increase.

Shanahan went on to say in response to the PB inquiry with regard to fire department, if an event would occur at the project, the fire department would have access to the lock box via a code that is provided to the department so they can get through the gate. If there would be an event, the FD shuts down the entire electrical production. It was also reiterated that they have never had any type of electrical fire and have had only 2 fires caused by rotary mowers operating in dry grass situations. In addition, they are offering training programs for the firefighters and they will fund same for however many firefighters need training.

A neighbor, Mr. Giles Tilton, on Elizabeth Terrace, spoke up and said he thought that the solar program was a great idea and that he thought when presented to the town it should accept it as long as it is well engineered. He said he understood there was talk of a moratorium.

**Business:**

**1) 2018-0403 - Stoneledge Farm – Kavakos, Second House – 1104 Sandy Plains Road, Leeds**

Pete Kavakos appeared with a site plan requesting approval for a building lot to build a residence for his son on a 10-acre parcel of his farm. The house will be at least twice the size of the existing structure on the property which was referred to as “just a shack”.

Mr. Kavakos said he’s been in touch with Robert, who said it was fine, and talked to Hempstead, said has an existing driveway there and it was no problem. Beth asked how many acres his farm is (answer was well over a hundred). Joe asked if anyone from the PB had any questions. A motion was made by Allen to waive public hearing by, seconded by Elizabeth – all were in favor and the public hearing was waived. There was a motion to approve site plan by Allen, seconded by Kevin, all in agreement and the site plan was approved. Chairman asked if they had filled out a SEQR form? No, didn’t know they had to - applicant filled out the form with the assistance of the Chairman and signed same.

Applicant asked how long they had to build a house? Chairman informed them that they had two years. Applicant paid the fee of \$200 in cash, receipt was given and placed in an envelope for the town clerk.

**2) 2018-0205 - Holiday House – 1128 NYS Route 145 - Teitelbaum**

Aida Teitelbaum was called back up to discuss her project with the Planning Board and to explain the qualities of the property. Consists of little cabins, main house a pool.... Aida said she met with the people who used to own the Holiday House and they discussed how they used to operate the resort. The Chairman went over the SEQR form and had applicant sign same. Chairman told Aida she would have to get everything up to code with building department, get a Certificate of Occupancy, before taking on borders, as well as having to get water testing done with health department.

A motion was made by Allen to close the public hearing, seconded by Ed, all were in favor and the public hearing was closed. A motion was made by Allen, seconded by Kevin to approve the site plan, all were in favor and the project was approved, conditional on addressing all violations with the Town and the Department of Health.

**3) 2018-0305 - John Mitchell - 4365 NYS RT 23 - Cairo NY 12413**

Mr. Mitchell explained that the building would not be retail, with no storefront, and no customers coming in. The plan currently is to employ just he and his fiancé and hoping down the road he is successful and can create a couple jobs. Leaning toward offering kitchen supplies – stuff for commercial kitchens, smaller stuff like sheet pans, etc. Getting together with engineer on Monday regarding the driveway.

The building is tan with a black roof. There’s an old house on the property and he will eventually tear it down. Pointed out the location where the building will be erected. There is an existing structure in the front, an old cabin, or cottage. Septic is approximately on the front corner of the property. No further questions by PB. SEQR was negative declaration, letter from zoning. Applicant brought 3 copies of the Morton building plans.

Allen made motion to close the public hearing, seconded by Elizabeth. Kevin made a motion to approve the site plan, seconded by Allen, all were in favor and the site plan was. The applicant was instructed to apply for building permit.

4) **2018-0304 - Petulla – 25 Bowery Creek Road**

No show.

5) **Laksam Homemart Convenience Store – 254 Main Street – Paththage**

No show. (Assuming he withdrew application.)

6) **2018-0502 - Kuminsky/Armstrong – Gary Harvey – 2-lot subdivision**

Gary Harvey, the engineer on the project and said land was over on Horseneck Road. Sue Kuminsky and her sister, inherited parent's house; and they have 9 ½ acres. Deb is going to get the house, other sister, Sue, gets property in the back and she owns the property right next door. Essentially just settling the estate. Couldn't do it before because of 3-acre rule, now the 2-acre lot and 7.72 acre in back. Chairman asked if he has a SEQR, and letter of permission? Said no he would bring it to him in the next few days. It's a 2-lot minor subdivision--eventually will incorporate them together into one lot.

Will bring a permission letter and pay fees. Mr. Harvey paid the site plan fee in the amount of \$150.00. Asked if ready for a public hearing next month? He answered affirmatively. Mr. Harvey also submitted a check for \$30 for the legal notice of public hearing.

7) **2018-0203 – 258 Old Route 23 – Cairo NY 1, LLC Community Solar Project – CEC Development, C.T. Male Associates**

Engineer John Melkovic from Kaaterskill Associates presented and went over a few topics on the letter of review. First part of letter – lot of affirmative statements, point-by-point on the law - going basically through like a checklist.

John spoke to some confusion between the percentage of coverage of panels versus the lot. CEC is leasing 15 acres and mentioned 92 acres as the lot size. Lot coverage is the leased lot area of 15 acres. In the law as expressed, can't exceed 50% actual panel coverage. Shanahan spoke up and said he knows they don't exceed it. They submitted a redacted lease with the landowner, agreement to 12-15 acres, 15 acres will be the leased area. Rest of Section X – mentions photo modeling indicated that CEC gave some nice schematics but no photo modeling. Signage was discussed as being every 100 feet, with additional screening, and no additional lighting.

Engineer stated he was reviewing the lease. Mr. Shanahan indicated that the lease was only submitted for one purpose just as a letter of permission, not for engineer review – stated he felt it was a little unfair. The Chairman stated that the engineer looks at the complete package. Engineer wants to get to the point where there is a defined lease line shown on the map.

In the lease there is language, that the tenant will subdivide the property into 2 lots, one of which will be landlord's retained property, however, Mr. Shanahan said that no subdivision is being proposed

at this time. With regard to the existing driveway nothing is being proposed for the driveway, as the property is not a vacant lot – it already has a house there.

Originally there were plans for demolition of the mobile home on side of property. Chairman questioned what they would do with stumps when cutting down the trees? The answer was that in all likelihood some could be removed, or perhaps buried, and will depend on the contractor. They will seed and put down straw, and woodchipped. Question was raised if wood chips would be removed after seeding. The answer was yes, within the array.

A neighbor, Mr. Lamanac, and his father were in the room for the public hearing. Mr. Lamanac spoke up with his concerns, said he was for it in principal, however it's in his back yard, and he will be looking at it from his kitchen window. Said he wasn't against it necessarily, in some ways – just wish it wasn't in his back yard. Tracy Lamanac spoke up, said he lives in Rotterdam, and his son Michael lives in the house. Something that came to mind – is they have a shooting range set up behind the house, where they target practice. Would they be prohibited from shooting on their own property? Would like to see something in writing that there would be no restriction. Chairman said he would take that into consideration

There was a request for a waiver of photo modeling. Under proposed condition, photo rendering wouldn't show anything (CT Male). The Chairman stated that he cannot waive it, it shall be required.

Joe asked about pilot program - Shanahan says doesn't do pilot during permitting process.

**8) 2018-0101 – Grandview Solar – 743-775 Main Street – Preliminary Site Plan Review**

Chairman stated that Grandview called to say they would not be in attendance.

**9) 2018-0302 – 1545 Route 67 – Cell Tower Expansion – Airosmith Development – Ray Perry**

Mr. Ray Perry appeared with his proposal to add 3 antennas to the existing cell tower site. A motion was made to waive the public hearing by Allen, seconded by Kevin, all were in favor and the public hearing was waived. A motion was made to approve the site plan proposal by Allen, seconded by Kevin, all were in favor and the project was approved. Brought a check and 3 copies of the plans.

Asked if they needed a paper copy of SEQR, he had submitted an electronic one. Working for Sprint (American Tower) special use permit updated. According to American tower they had updated. The requirement is every 5 years send a letter to the building department and say “we are still using our cell tower.” Ray works for Sprint, but American Tower owns the tower. Off Route 67 off German's Hill. Not new tower, new antennas at same height, has 3 there now, will have 6 including the proposed antennas. Any questions or - contact at American tower....? Chairman asked Ray to email them and contact me and ask them to provide a copy of the letter they submitted.

A motion to waive public hearing was made by Allen, seconded by Kevin. All were in approval and the public hearing was waived. A motion to approve the project subject to contingent documents was made by Allen, seconded by Kevin. The project was approved subject to contingent documents.

## **10) MoLiving – Campground/Resort – Rudolph Weir Road**

Jorden Bem and Anthony Schwartz appear for MoLiving along with John from Kaaterskill Associates. An existing structure and bar on the other side of the road. The house is yellow and red barn across the street.

MoLiving is on a membership access basis...allows people to reconnect with nature, local or people from city who want to escape. MoLiving is a for-profit entity. Jordan Bem from MoLiving brought forth a sketch plan and is looking for feedback. He indicated they got a letter from Bob Fritz. Bob is confusing, initially said no and then said yes. Chairman contemplated that what Bob is confusing, essentially a campground and a tourist resort spa. With a campground, the units people stay in move and in a resort, they don't. The tourist spot talks about buildings and not camping units. Jordan indicated that one of the points he wanted to make as they move forward thru the process is that MoLiving wants to make sure that the Town is in agreement that they are consistent with the zoning laws. They want to be clearly consistent with the zoning law. A planning board member asked who owned the units? Mr. Jorden Bem and Anthony Schwartz own the units. The Chairman read the description of a campground as a parcel of land wherein two or more units (unit is a tent, trailer, cabin, lean to, or similar structure) exists. Chairman needs to talk to Robert and Stacey to get in agreement with regard to the proposed "restaurant." There was discussion with regard to sewage – there will be an offsite treatment plant.

Jordan and Anthony explained the concept of MoLiving as reconnecting with outdoors, a place for people to retreat and reconnect and disconnect. It's for people who want to go camping, explore and don't want to stay in a tent, don't want to not have a shower. They identified a place with convenient access to the city, next to the Catskill mountains, establish a location for all of these people to reconnect with nature in style. There will be varying levels of memberships, i.e., for utilizing amenities, like taking a swim in the lake, using the spa, hiking the trails and would pay a monthly or yearly fee. Membership doesn't cover the accommodations for stay. Members pay extra to stay. How many members do they hope to have? They are not sure but perhaps a couple hundred. This is a year-round thing, mobility plan to modify the inventory dependent on the season, therefore summer, high season, in winter move units to other areas of the country.

Concept is to have units and utilize them as much as we can. Member can be member in just this facility, different tier membership, all-access membership. Plan on having any music or outdoor events? Haven't firmed up the program yet. How far off the property lines are these units? Only concern where all fields, don't want too close to the neighboring fields. Will do landscaping around perimeter. Need to do some additional base mapping. Plan on expanding to the other side of the road? Not at this time. Walking trails basically. Don't have any other facilities like this at this time.

Chairman asked what they are planning doing for septic? Retained AWS company, installed some systems in Ohio, they are a mobile waste water solution, or package solution - 40-foot container that could service over 300 guests. So, there's a maximum of how many people in each of these cabins. Department of Health will govern the capacity. Will be a sewage collection system that feeds into the sewage treatment system to a moving body of water to stream on property. Surface discharge, DEC and Health Department will regulate this.

What type of lighting proposing? No lights. Lights would only defeat the purpose.



Escrow? Question for Chairman whether he needs escrow or not. Doesn't see a need right now, not sure would need an engineer to review it.

Restaurant, any other amenities you want to add? Things much more in synch with nature theme. Locally-sourced food, complimentary food and beverage, sustainable farming, smores, sausages, barbeques, want guests to cook on their own. Serving any prepared foods? Sort of a hybrid in sense they can go and purchase, buy vegetables, start grilling, instead of servers, will have support staff who can help them grill or show how to cook it.

Any other buildings? Yes, some geometric self-supporting domes, yoga pavilion, and will further define what's on the plan later.

Would like to be on the agenda for next month.

**11) 2018-0501 - Dollar Discount Beverage, Inc. (Convenience Store) – 256 Main Street - Mike Esslie**

Mike Esslie appeared with regard to opening a convenience store to sell water, beer, etc. Will need letter of permission and a copy of the lease. Paid fees of \$200 for site plan. Signage? Yes, there will be a sign on the front of the building. Chairman said signage would be subject to approval.

There was discussion with regard to the vendor tent (to sell fireworks) and a food truck. The Chairman said he would speak to Robert and Stacey regarding approval of temporary rotating retail space (tent).

The project was set for public hearing next month.

A motion to adjourn the meeting was made by Allen, seconded by Kevin, all were in favor, and meeting was adjourned.

Respectfully submitted, *Diane*  
Diane M. Newkirk ~ Planning Board Secretary