



**TOWN OF CAIRO PLANNING BOARD**

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

**Chairman-Joe Hasenkopf**

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**Meeting Minutes:** June 7, 2018

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

**Absent:** Kevin Hicks

**Pledge of Allegiance**

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

The first order of business was to review and approve the May 3, 2018, meeting minutes. A motion was made to approve the minutes by Allen, seconded by Elizabeth, all were in favor, the motion passed and the minutes were approved for the record.

**Public Hearings:**

**1) 2018-0501 - Dollar Discount Beverage, Inc. (Convenience Store) – 256 Main Street - Mike Esslie**

Mike Esslie presented and stated he is leasing the property at 256 Main Street for a convenience store and indicated he wishes to have a food truck on the property (for which he brought photos) as well as a vendor tent. Lisa from TNT Fireworks was in attendance and stated her company wants to sell fireworks from June 20 thru July 5, 2018.

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

Gary Harvey came forward stating he represents Sue Kusminsky and her sister. They propose a minor 2-lot subdivision for Sue Kusminsky and her sister Debra who are seeking to basically settle their parent's estate. The parcel that is to be subdivided is currently 9.5 acres. Following the subdivision, the existing house will be on a 2-acre lot and the remaining 7 acres will be used with adjoining lands of Sue Kusminsky for a total of 15 acres on Horseneck road.

**Business:**

**1) 2018-0501 - Dollar Discount Beverage, Inc. (Convenience Store) – 256 Main Street - Mike Esslie**

Mike Esslie came before the board to discuss his plans for the vendor tent and the food truck. The Chairman asked where the tent would be set up. Mr. Esslie explained they plan to set up on the right-hand side of the property, and the food truck will be on the left-hand side of the property. There was a review of the drawing by the PB members.

When asked who would be running the food truck, Mr. Esslie said it will be run by someone associated with Angels Pizza. Tent sales will change periodically to different vendors/products. Beth inquired if they were asking the PB to approve an ongoing change of things. Mike said that ideally, they would prefer on the right-hand side, like to have a farmer's market/or someone selling strawberries or something. His vision is to have a blanket approval for an open use for the tent so they wouldn't have to keep coming back to get approval for each vendor – so we could sell flowers or vegetables, or whatever. The Chairman asked if fees were paid. Secretary stated that the fees were paid. In addition, the Chairman had a question about how they would be securing the fireworks at night? Lisa from TNT stated that they will have a storage unit at least 20 feet away from tent which will be locked up. Also, there will be a port-a-potty for the employees to use while working there. The product will be sparklers and sparkling devices, actually no fireworks.

A SEQR was performed and there was a negative declaration made. There was a motion to close public hearing made by Liz, seconded by Ed, all in favor and the public hearing was closed. A motion made to approve the project by Liz, seconded by Ed, all in favor and the project was approved.

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

Gary Harvey came before the PB and produced the maps for the 2-lot subdivision. The property is off of Horseneck Road and is 9.5 acres. This property was their parent's property, Debra is getting the house with 2 acres and the other sister Sue is going to get the other property in the back to adjoin to her existing property.

There were no questions or concerns brought from the Planning Board members. Allen made motion to close the public hearing and Liz seconded the motion, all were in favor and the public hearing was closed. Allen made a motion to approve the subdivision Liz seconded the motion, all were in favor and the project was approved.

**3) 2018-0304 - Petulla – 25 Bowery Creek Road**

No show.

**4) 2018-0203 – 258 Old Route 23 – Cairo NY 1, LLC Community Solar Project – CEC Development, C.T. Male Associates**

Mr. Shanahan from Clean Energy Collective (CEC) and Mr. John Munsey in for C.T. Male appeared before the Planning Board for final review of their plans. The Chairman stated that the only outstanding issues were the storm water prevention plan and revisions to the site plan and the photographic renderings. The Chairman asked John, the engineer from Kaaterskill Associates, to come up and go over some things. John indicated he had already reviewed the project and had two small comments, there were a couple of things that didn't make it on the map that are relatively minor things, which pertain to wood chips for temporary stabilization that they need to remove those if they are going to seed, the other thing is during construction putting water-based dips in the road... A lot of those things will be required by the inspectors who shall make them aware of those things. It is up to board if they need the map reissued with those things on them. Also says he has the photo renderings they provided.

The Chairman said there was nothing else on our end, but asked what the final decision was on the stumps, are they not being buried, being chipped? Joe Shanahan said he submitted a memo and will go over it - stumps will be ground in place and the chips will be used for site stabilization, any chips in excess will be taken off the site after everything is done and then clean it up and do seeding. Mr. Shanahan indicated he does have the notes incorporated on these plans in handwriting and asked that the Board accept that or they can submit a revised one afterwards if needed.

The Chairman said he had reviewed the photo renderings and noticed the different things the surrounding properties would see. All the renderings show that most neighbors will not see anything. He also commented about one of the neighbor's view, Mike Lamanac, and his father who were worried about not being able to shoot on their own property, but no one is going to stop them because they can shoot. Shanahan said he had a meeting with the Lamanacs after last month's meeting and they came to an understanding. Shanahan said he also talked about the view, and there is really nothing they can do upon their site because of the elevation change as they look down upon the farm. Asked if there was anything they could do on their property to kind of help with the angle, perhaps may plant rose bushes or something.

The Chairman's only question was with regard to approval subject to a PILOT program being in place before they get their building permit. How much is the average PILOT program per megawatt? Shanahan believes they talked about the fact that they would have a decommissioning surety in place and have a PILOT agreement with the town before they became operational because those discussions take months. Mr. Shanahan said he had expected the question – explained that basically the short view of what a PILOT program is... in NYS there is a real property tax law, that provides that ground-mounted solar products are tax exempt unless the town votes to opt out of that law. But if the town votes to opt out of that law, then you can no longer just deal with ground-mounted systems, you now have to tax every building with roof-mounted solar -- every solar project in town now has to be taxed by your tax assessor. Most towns don't opt out, because of instead of opting out they can require a PILOT agreement which is a Payment In Lieu of Taxes. What happens is the town and the town assessors work with the developer and come to an agreement – the rate cannot run the entire length -- only for the 15 years the exemption is in place.

Mr. Shanahan handed out a copy of the decommissioning plan which contains the NYSERDA information which came out with a toolkit and a calculator that basically says that if you are in the Central Hudson utility the range, the PILOT rate is \$2600-\$7500 per MW AC. What they did is only in draft form and is a starting point. We looked at your project in your town and the range is \$2600 to \$7500 take

average which is \$5100 just as a starting point, mitigating factors based on the project's revenue, cost, insurance over the life of the project. CEC calculated that mitigating factor based on project's revenue. We calculate the rate to be 20% of what the rate would be that average of – in this case it would be about \$8060/year for this project. That would be a starting point to discuss– what is included a similar analysis they submitted a similar to Greenville. We ended up agreeing on \$5300 per megawatt. Also provided in the packet was a copy of the agreement with the Town of Greenville.

Only can do the PILOT for the length of the exemption, and the state law is 15 years under the current state law. There are some big projects coming down the road, the rule used to be that you couldn't go over 100,000 MW. CEC doesn't sell for Central Hudson, our power goes into CH grid, and into a computer platform. A rough idea - the average bill will be reduced by 15% of kilowatt charge. It's not a big discount, it's for people who like to be green, and would like to participate.

There was a motion by Elizabeth to close the public hearing, seconded by Stacey. The Chairman explained there would be a couple of things the approval would be contingent on – 1) every year it is a requirement to send a letter on January 1 saying there is ongoing activity. Could be a \$100 fine if not paid in the first three months; 2) The PILOT program has to be complete before you get your building permit.

The Chairman said the last thing to agree on was the amount of the bond for the decommissioning. CEC's recommendation of \$62,000 was given. Shanahan said he can substantiate, did a similar sized project in Walden and they had a professional engineer do the estimate for removal for that same project, what we do is we post a bond for \$62,000 and use a decommissioning calculator. With 2.75 annual inflation, based on that by 25<sup>th</sup> year will be up to \$115,000 to \$116,000.

Chairman suggested to have a \$100,000 bond and to reassess it in five years. The bond is with Hartford Insurance Company and they can increase the premium to go to \$125,000 for the decommissioning with a review in 10 years. There was some discussion with regard to prevailing wage and the labor rates estimated being too low. Shanahan can double it to \$125,000 from \$62,000 – which was acceptable to the planning board members with a review in 10 years. Salvage value is valued low at \$20,000.

There was some discussion of the driveway itself not within the County right-of-way. When the utility comes to connect to their pole they will have to get a county permit. John Munsey stated that before the PB approves the project to make sure they satisfy SEQR as well. Chairman went over the SEQR form and a negative declaration was made.

The Chairman asked for a motion to approve the project subject to having a \$125,000 bond being in place prior to them getting their building permit. Subject to them sending a letter in every year stating they are still in operation. The highway permit will be obtained prior to connection to the utility pole. CEC will submit SEQR on behalf of the Planning Board. Prior to the project going operational a PILOT program must be completed and approved by the town board. A motion to approve the project with the contingencies was made by Elizabeth, seconded by Ed, all were in favor and the motion was passed and the project was approved.

**5) 2018-0101 – Grandview Solar – Cypress Creek Renewables – 743-775 Main Street – Preliminary Site Plan Review**

John Reagan with Cypress Creek appeared with his consultant Kevin Frank. Came forward to discuss their project. The project will be on Main Street. They explained they have submitted some updates -- the SEQR application – and the landowner authorization form to speak on his behalf. Also brought some examples of the signage. Mr. Reagan indicated they had begun their visual assessment report and introduced Kevin who is here to discuss with and ask the PB to give input to complete the report. This is another 2 MW community solar project. The changes to site plan are on the southern portion - they had panels extended to the west and there is a steep slope there so they pulled that back, and the entrance road was headed in that direction so they moved the road to the east a little bit. There were questions on fencing at the last meeting. We have designed the fence to be around the three sections of the solar farm, so the whole entrance road would not have a fence around it.

Stacey asked how many feet from Main Street the first array will be - it was calculated to be about 500 feet from Main Street. The Chairman asked if they had a landscaping plan? John indicated that Kevin's presentation on what we are working on with the visual assessment will probably answer most of the questions. We did submit a landscaping plan on page L100 very close to the end.

They have proposed a series of tree plantings on north side and along west side as well. Discussed where trees will be cleared. There is a jurisdictional wetland that exists on the property, no bridge is going in there, there will be a permanent road. Owner of the property is True Blue Capital, a real estate company.

Chairman do you have a depiction showing the neighboring houses, how close are nearby homes do you have something to show that? Access is on Monte road. There was a question about the elevation change? The elevation is 380 for Main Street, highest point of this whole thing is 475 feet, which is about a 100 feet of elevation change total from Main Street to any panel within the whole project. Panels sit 12 feet off the ground. Stacey was interested in what people would see driving down Main Street – so it was decided it was a good time to show the PB their work product.

They flew a balloon over about 75 feet up to take pics of the views on May 17. Did a five-mile study area. Would like the PB to choose locations to provide you simulations from. Would like to see picture from soccer field and from the Red Rooster and anywhere driving by there and where the soccer fields are and the nearest neighbor on Monte Drive. The PB members chose several spots from the park where they would like the visual assessment done. The visual points they settled on were 1 (straight onto the property from Main Street), 8 (looks more toward the front part of the array), 9 (driving into town by Red Rooster), 12 (highest point in Town Park) & 13 (closest houses). Joe asked for a legend for the photographs. All the pictures from all the points will be in the report. Discussed warning signs all the way around the perimeter every 100 feet so that if somebody got hurt they would know who to call.

The project fence will be right down to the ground. There is wildlife-friendly fencing available which provides for a gap every 100 feet or so, but our fence has space between the fenced areas so fencing will be down to the ground. The Chairman asked if they were putting any buildings up, the answer was no, just a pad for the inverter and the transformer and they will be fenced in.

The Power is collected in the panels to the collector to the converter, then underground, series of 5 or 6 poles which is tied to Central Hudson's line. Landscaping plan was discussed. There will be no lights. No signage by the road. Joe asked what they are planning on doing with the stumps? Said they

will hire a contractor, if there's a mill or outlet, they will take the good wood, if not good will be chipped. Stumps will be pulled out and ground, if we can use all chips on site for stabilization we would, if not we will haul away.

The Chairman said the project will require an outside engineer to review. He explained he will email the plans to different engineers and ask for quotes and let them know how much you will need for escrow, probably around \$3,000.

Is there a stream you are crossing, wetland? You are going to have to put a culvert, get approval from Army Corp of Engineers. Fencing goes right up to wetlands; entire property is currently wooded. How many acres will this take over? The property is 87.7 acres, 23.76 LOD, area fenced in is 19 – the rest of disturbed areas would be the roadways. How much of land being leased is covered by solar panels – its not of the lot but the lease. The owner still owns the rest of his property and can potentially lease it to someone else. It will be about 12 acres. There was a question about what the percentage of leased lot size that will be covered by the project.

The storm water prevention plan was submitted with their most recent update. Chairman said he had not yet reviewed, just came in this week. Mr. Regan indicated they had submitted it with the original submission but will make sure that's the most up to date version. The Chairman indicated that once the PB gets everything – he will provide the company with a list of emails to send it to – county planning board, DEC, and a whole list to circulate on his behalf. It was also offered that they could draft up for review in advance the SEQR resolution and part 2 and 3.

Joe indicated that something else needed is decommissioning plan. It was explained that it was submitted in the first submittal. The Decommissioning plan was discussed - their cost estimate is \$110,000.

Joe inquired about when the rain drips off the panels, is there anything to prevent erosion there? One of the things we do when we vegetate the site, using local native species vegetation type and is excellent for preventing erosion.

Chairman asked if anyone else had any concerns?

All we have for now, the applicant stated he just wants to understand process moving forward, The Chairman indicated that it depends on how quickly they get changes made to the plans, it's going to take a week or so to get reviewed and submit it to a few engineering firms to review, then another 4-6 weeks for the engineers to review, once you have the visual assessment and then plans, we can set a public hearing. Before we go to public hearing, needs to go thru the review process. Doesn't move forward until he gets a response back from the County and the DEC, and the other entities.

At the next meeting they would like to be able to schedule a public hearing for the following month. The engineering review can be going on while that is happening.

Discussed establishing escrow, the Chairman doesn't know the amount yet, so they can mail a check when the PB gets the figure. Mr. Regan indicated they may go ahead and send a check in for \$3000 and put it to Joe's attention. Will draft up SEQR documents, etc. it will save a little bit of time. The only thing that will hold up the project is if you don't follow our recommendations; for instance, if the PB says they want a fence around the inverter and the plans don't show it, then you would have to come back.

## Other Business

The Chairman said he had one other thing to discuss - Central Hudson sent a letter, we had a meeting a month or so ago, they are replacing the electrical lines next to 32 going from Catskill to Cairo, taking out wooden poles and putting in metal poles. Joe asked them to do a visual assessment, the poles are a little bit taller and a little further apart -- wherever there is a house, we asked them to do a visual assessment if they will be seeing a pole, when previously they did not.

In addition, he discussed another letter from the Town of Catskill, people who purchased the northern portion of the game farm, wants to turn the property into a long-range (2100 yard) shooting range. They claim not in town of Cairo, based on what I've been provided so far puts them shooting in Cairo into Catskill, so then they would have to come before both board. Sheepdog Warrior, they are operating on a smaller range. They recently got their approval in September last year, said they sent a letter to the Board in Cairo, no one, they improperly they are approved for 450 yards right now, open air shooting, not in a building. So they asked us for comment – say no. I was going to write back and ask for a copy of the file. Not for it unless you control the sound. Winter Clove is around there, I'm a little biased against it, Mother's Day weekend if you sat on the front semi-automatics and machine guns, 200 people and 500 rounds in order to participate. Catskill approved, waived SEQR so I'm not really sure what happens next. Nobody could figure out why it was approved the way it was. Trying to get a copy of the survey map that shows where they are.

A motion to dismiss made by Allen, seconded by Liz and the meeting was adjourned.

Respectfully submitted, *Diane*

Diane M. Newkirk ~ Planning Board Secretary