



TOWN OF CAIRO PLANNING BOARD

PO Box 728, Cairo, NY 12413

Chairman-Joe Hasenkopf

Email: planning@townofcairo.com

Meeting Minutes: August 2, 2018

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

Absent:

Pledge of Allegiance

Approval of Meeting Minutes for July 5, 2018

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

Public Hearings

1) 2018-0304 - Petulla – 25 Bowery Creek Road

Anthony Petulla came forward with his sketch of his plans for his proposed residence and wants to put up a home for himself and his wife on his property.

There were adjacent neighbors in attendance with questions about the site plan application. Bill Nicholas, asked what was the size of the house? The house will be 32 x 48, 3 BR with a full basement. Another neighbor said her property abuts up against his property as well. Mr. Petulla recognized his neighbor Elizabeth and stated he believed he was 500 or 600 feet away from her property. Mr. Petulla said his new well will be over 100 feet away from the septic and his old well will be used for irrigation. Elizabeth went on to say that its very wet in that area and she was concerned about drainage, and how his project could also potentially affect the drainage. Apparently, the nearby creek has a propensity to overflow and there is drainage along Bowery Creek Road. She said she has a sump pump that goes off with heavy rains and the pump has been working all Summer. Elizabeth opined when you take away earth and grass and potentially trees you affect uptake of rain and this could affect their property insurance. She reiterated Mr. Petulla's project could present a future concern and that they should

consult engineers who may discern whether there will be an issue. Joe stated that it sounds like a lot of her concerns can be alleviated by a stormwater prevention plan.

Stacey recused herself from the Planning Board and addressed Mr. Petulla about the number of apartment units in the building and wanted to know how many bedrooms each one has. Anthony said that there are four 2-bedroom apartments. She went on to say that she had purchased his other home and they were told that flooding occurred on the subject property. The Planning Board reviewed Mr. Petulla's map and asked for topography to show the elevations of the surrounding properties and asked that it be demonstrated the map where his neighbor's septic tank resides. Discussion led to a question of whether the other neighbor's land slants down, and if so, there cannot be a well in the line of a declining area from the septic.

Stacey went on to say to Mr. Petulla that when they bought the house from him, he had stated that that property flooded but that it didn't flood on their property. There was a question raised whether he will have enough room for the proposed septic system. Mr. Petulla said that it's well over a hundred feet to the creek, which is what the regulations require. Stacey asked if he had produced PERC tests and stated that the leach field is required to 2 feet above high ground water. Additionally, a question was raised whether he had his septic system designed? Mr. Petulla assured the PB that the septic design would be forthcoming and that it will be designed by a licensed engineer.

The Chairman stated that the old well needs to be sealed, and that changes the flow of water. Mr. Petulla said that the old well will stay.

Further discussion ensued regarding the number of apartments in the existing building and whether he planned to build out his proposed building's basement into apartments. The Department of Health would require the landowner to own 200 feet around the septic system and obtain the Department of Health's permission should the number of units exceed 9. Stacey said she doesn't have a problem with the project but is concerned for the public's safety as it is a public water source.

The Chairman asked Mr. Petulla to sit down and let him know he would be called back up after the public hearings were finished.

2) 2018-0101 – Grandview Solar – Cypress Creek Renewables – 743-775 Main Street – Preliminary Site Plan Review

John Reagan with Cypress Creek Renewables (CCR) appeared with his consultant Kevin Frank along with their PowerPoint presentation through which they addressed the public. First Mr. Reagan introduced himself as representing Cypress Creek Renewables, and that they were there to talk about the Grandview Solar Project. John indicated he would walk thru who Cypress Creek Renewables (CCR) are and what the proposed solar project was going to look like. John explained that CCR is a solar power developer headquartered in Santa Monica, California and the company already has over a gigawatt in operation in 15 different states. John went on to say that CCR is developing solar power in NYS because NYS has mandated that 50% of its electricity come from renewable sources by the year 2030, therefore as a solar developer CCR believes solar power is an important resource to achieve that goal.

John continued to say NYS, through NYSEERDA, has created community distributed generation (CCR calls it community solar) incentivizing community solar farms across the state, and the intent of that program is to have solar power generated locally and consumed locally. John explained that the

purpose of the community solar project is to provide solar to people or small businesses who don't own a home; their home is not suitable for roof-mounted solar; or they don't want solar panels. CCR's solar project will make it available locally – meaning anywhere in the Central Hudson utility district.

Grandview Solar is the name of CCR's solar project and the proposed location will be at 743 and 775 Main Street which they will lease from True Blue Capital. The property is about 87 acres, Grandview Solar project will use approximately 33 acres or so, equipment covering approximately 10 acres. John said the Grandview Solar farm is an odd shape for a solar farm – the reason being CCR must avoid wetlands and some slopes. John gave a brief synopsis of the components of the project indicating there would be an access/entrance road on Monti Drive that will wind along to the site. He demonstrated that each one of the equipment areas will be surrounded by 7-ft high fencing. Inside the fencing will be solar arrays and an Inverter pad. John explained the solar panels create DC electricity which goes to a converter which converts it into AC electricity, then a small transformer will step that up to Central Hudson, who distributes the energy. Most of the power is run under ground up until that point where the gate is, and there will be several utility poles constructed to tie into Central Hudson's utility.

John explained the reason CCR is building a 2MW project was because at the inception of the company's service program at the time the maximum size was 2MW (which would power 300-400 homes). John explained that CCR has an application in front of the planning board that includes quite a bit of information for environmental review under the State Environmental Quality Review Law and will be reviewed by the County as well as the PB, and then reviewed for endangered species, and historical resources and a host of other things required by NYS.

At that point Mr. Reagan introduced Kevin Frank from The LA Group – an architectural and landscaping firm. Mr. Frank addressed the public and explained CCR had formed a visual impact analysis, which is a requirement of the Town's solar code. As John mentioned, one of the key issues for the People in the Town, is what's this going to look like? Mr. Frank developed a visual impact assessment where a balloon is floated at the site and then a visual impact assessment is conducted from multiple directions five miles out, two miles and one mile out. Mr. Frank produced renderings of locations where the public could possibly get a view of the development. To form the assessment, CCR came out and photographed all locations with potential views. CCR came and sat with the PB and asked what the areas of most concern for potential views would be and those areas were focused on.

During CCR's presentation a slide was shown of the entrance gate. An adjacent neighbor in attendance, Ms. Michelle Hales, addressed the presenters indicating that it was her front yard that was depicted in the photo of the entrance to the Grandview Solar project. Michelle said that Monti Drive is a paved road and hairpins and that her house was the first house on that hairpin. Michelle is concerned that the entrance to CCR's project would be a huge eyesore that she will be staring at – the gate facing the middle of her front yard. The Hales had buried their electric five years prior so that they didn't have to look at the utility poles. In addition, Michelle was concerned about her well which is located off the side of the drive which was not depicted in the photo. Ms. Hales indicated there were very few trees, so her home would have a full-on view. Her property is open because they cleared it a few years ago. Michelle asked why CCR couldn't utilize the entrance gate that was originally off Main Street.

Another concern Michelle had was the noise of construction produced by the Grandview Solar project and inquired what kind of traffic would be involved with the site. Mr. Reagan explained that the first 2-3 months during construction, there would be maybe 5 trucks a day at most. Then after project

completion the solar farm runs itself – with only a maintenance person who may come and check it once a month. Addressing the question regarding noise, Mr. Reagan indicated the only components that produce noise would be the transformer and the converter during the day - but it was negligible. He continued to state that at the fence line, there would be virtually no sound at all. There will be no lighting, no glare as the panels are designed to absorb sunlight and have a non-reflective coating.

Michelle finished by saying that her husband has stage 4 cancer and would possibly be disturbed by the construction noise. John assured her that CCR would work with them in that regard and perhaps CCR would not begin work prior to 6:00 a.m. Michelle asked for consideration for they had moved to that location for peace and quiet and happiness.

Joe addressed Michelle and indicated that a survey will be done to see in fact who owns the chunk of land on the map that CCR needs to cross. Mr. Reagan said CCR as the applicant sees at least two issues, one being that obviously CCR can't build on property if it is the abutting neighbor's property. The second issue --the gate – CCR will consider if they may be able to change the style or provide some screening or perhaps consider the other entrance.

Kevin Frank continued with the presentation when two more abutting property owners Samantha Pratt (Wayne Senior Lane) and Melanie Welch (Lena Lane) spoke up with concerns about their personal viewpoints of the Grandview Solar project during the seasons when the leaves were not on the trees. Samantha said she can see her next-door neighbor clearly during the winter, however during the Spring and Fall she is not able to see her neighbor's house at all. Samantha also indicated that she had tried but failed to locate the exact location where the solar panels will be located. Samantha and Melanie inquired if CCR would consider doing some tree plantings to screen the view of the solar panels. Both women indicated they would welcome CCR to visit their homes and indicate to them exactly where the proposed project would be behind their homes along with discussing screening options.

Mr. Reagan discussed the Grandview Solar project benefitting the community financially - the project is a \$4M investment with half the funds spent locally on supplies and materials; as well as the creation of 25 temporary jobs as well as providing the town and school district some extra revenue through CCR's proposed PILOT program.

The Chairman asked for the ladies to state their names for the record: Melanie Welch, Samantha Pratt, Ingrid Bernadetto and Michelle Hales.

Business:

1) 2018-0702 – Pioneer Bank – Signage

No one appeared from Pioneer Bank.

2) 2018-0703 – (Katrina Lee) – Change Ostrander Physical Therapy – Signage

Ms. Lee appeared and stated she was applying to change the physical therapy sign to her own design as she had purchased the business from Ostrander Physical Therapy. Ms. Lee provided a rendering of what the signage will look like and explained the signs will be made of aluminum panels, will be 4 x 8 and 40 x 75 in size, the same size as the existing signs that will be replaced.

A motion to waive the public hearing was made by Kevin, seconded by Liz, all were in favor and the public hearing was waived. A motion to approve replacement of signs was made by Ed, seconded by Allen, all were in favor and the sign application was approved. The Chairman instructed Ms. Lee that a letter of approval should arrive in the mail in approximately 4 weeks. She asked if she needed to wait to receive the approval letter. Joe instructed her to see Stacey Sprague in Building Department and she will give you a sign permit. The applicant paid the fee of \$200.

3) 2018-0704 – Suttmeier – Lot Line Adjustment

Ray Suttmeier appeared before the Planning Board stating that one of his neighbor's buildings was on his property, and they were working together to do a lot line adjustment so that the land under the existing barn would then be his neighbor's land. The property in question is located across from Doc Schneider's office on Route 23. Joe asked Mr. Suttmeier to have a survey done and complete a SEQR form to submit to the PB. Mr. Suttmeier stated he would like the public hearing waived as this only affects he and his neighbor.

Chairman instructed Mr. Suttmeier that he couldn't give approval until there was a survey available to review. Mr. Suttmeier inquired what the application fee would be. Joe said he thought they should still do a public hearing, so the application fee would be \$150, and a \$30 fee for the public hearing notice. Mr. Suttmeier decided not to pay the fees until he spoke further with his neighbor who will be putting some money in escrow, as well as he needed time to have the survey completed and would pay the fees at that time.

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

Anthony Petulla returned to face the Planning Board for review of his application and map. The Chairman indicated that the septic system has to be drawn in on the map by the engineers. Joe explained that he can't stamp the map approved until they show the location of septic by the engineers. Mr. Petulla said he would get the engineer to do so. Chairman also stated that the last time Mr. Petulla was before the Planning Board (last month) he indicated he would be capping the existing well. Mr. Petulla said he was going to use that well for irrigation. The Chairman reviewed the minutes from the July PB meeting and confirmed that Mr. Petulla had said he was going to remove the old well, so we were under the impression that you would be capping the old well. Joe said the problem with keeping the old well for irrigation would be that 50 years from now, a person could buy this property and the well would be contaminated and they would be unaware. Joe said he would double check but believed the old well would need to be capped. The law states that you cannot have a well within 100 feet of a septic system. Mr. Petulla agreed to cap the old well. Regarding the new well, there was discussion of whether it turns out that it is lower than the septic system it must be 200 feet away. The Department of Health will review this – if the slope of the septic slopes down to the water, the DOH and DEC require it to be 200 feet from the water. I don't know about flood zone and all that (Allen) – I know you have to be outside of the flood zone. Maybe he needs to put topography on the map because we don't know the elevation, put the elevations on there so we know what the elevations are -- which would be easy for the engineer to do, it's just a button on his computer for topography. Everything else is good.

The Chairman indicated that he must have to topographical lines drawn, if this house is higher - then her concerns are legitimate. Joe asked if anyone else had anything. Allen said perhaps a note on the map saying that they can't make any more apartments in the basement. Is the basement going to be finished or unfinished? Need to put a restriction that can't put apartments in the basement. What Allen

is asking me to do – restriction cannot put apartments without appearing before the Board again, plus the septic would not handle the number of bedrooms. If you add another bedroom you would have to add another leg to the septic system. The PB asked that Mr. Petulla have his engineers incorporate a key to the map thereby describing what Zone X or A represents.

The Chairman stressed to Mr. Petulla -- just to clarify, we are approving a single-family house, there cannot be any apartments in there. If we approve this site plan application, you cannot put an apartment or apartments in the basement. If you want to do that you would have to come back and apply for a multi-family home. The subject property is zoned commercial; therefore, any proposed changes will need to be approved by the Planning Board. The Chairman reiterated to add the topographical lines to the entire map to determine if the neighbor's house is higher than his proposed building. The Chairman retained the maps for comparison to the forthcoming maps. Following Mr. Petulla's departure it was noted by the PB that the date on the maps presented is 2004.

4) 2018-0101 – Grandview Solar – Cypress Creek Renewables – 743-775 Main Street – Preliminary Site Plan Review

The Chairman stated that his first question would be whether or not the landowners leasing the property to CCR actually owns the land to access the project. He explained that the PB can continue to review the plan this evening or to wait until the ownership issue is resolved as it could change things significantly. Mr. Reagan indicated that they have some comments from the engineer which he cannot address tonight, along with a few other comments they heard talking amongst themselves. John proposed there may be a chance the entrance gate could be moved back in from the site a little, along with the utility poles.

Stacey posed the question whether they would have to go across the adjacent neighbor's front lawn to get to the access road? Mr. Reagan said they didn't know at this point. Chairman illustrated on the map where the property line is, noticing a chunk of land that appears to be owned by an adjacent neighbor and asked if they had permission to cross that chunk? As discussed earlier there is an access road on Main Street, so if you don't have permission to cross according to your current plan CCR may have to move the road. Reagan said he thinks he can make some changes to satisfy everyone and will look at landownership issue first. Next, discussion with regard to the landscape plan, and potential plantings. They will make a visit to the concerned neighbor's properties off of Lena Lane and Wayne Senior and see what CCR can do to address those concerns. John said with regard to the issue of construction times and noise – it was thought that they could perhaps work out a restriction that no work can start prior to 6:00 a.m.

Chairman asked if they wanted to go over the engineer's comments now or wait? The engineer spoke up and said he didn't have a few things such as the abstract, the survey or the lease. There was some discussion of right-of-way for access point. It's a town road, Hempstead confirmed that, probably usual 49 ½ feet wide. I think if you have the survey, that will show whether you have access. Planning Board requested a survey be completed. You own it the town has rights to it. They maintain the driving surface. That allows the Town to mow on the side of the road, trim the trees, etc. Joe indicated there was still an outstanding question about the wetlands and crossings for those. Mr. Reagan said they would respond to all of those questions in one document.

The Chairman asked about the packages for UPS which were addressed to the respective agencies from CCR. Mr. Reagan said they often prepare the mailings to the agencies and the abutters,

and their intent is for them to be sent by Town and not CCR. Joe also stated that he was getting a lot of communications from people in their company besides the two of them and said he would prefer emails come through (Reagan) to avoid any confusion as to what has been discussed previously. We've got a lot of work to do before that clock expires.

The discussion turned back to the abutting properties near Vernal Butler. The trees block the entire view of the panels if the trees were all gone, this is what you would see, but if the trees were gone this is what you would see. When the leaves come down you can see everything. There's a 100-foot elevation difference, so you still will not see it from Main Street. The lower lot you will not see it in summer...you definitely won't see it and, in the Winter, there will be an elevation change so you would really have to be in the right spot to see it. There's going to be 75 feet of trees here.

Samantha and Ingrid are concerned about the view where they are located, they are on the back end of the property. Vernal Butler.... so may have to do a little bit of plantings there.

Mr. Reagan parted saying that they have some homework to do and that he didn't have any more questions for the Planning Board at this time. He stated that the abutting neighbors have his contact info and they will get together.

5) 2018-0705 – Osborne – Erecting Building - Preliminary Site Plan Review

This project was not on the agenda, we received an email this afternoon. Joe welcomed Mr. Osborne and said that he thought he was retiring? Mr. Osborne stated that he was 78 and still going strong!

A PB member asked where exactly the subject property was located. Mr. Osborne stated it was 3 houses down from where Bernio's steakhouse was, which is now Angel's Pizza (John Werner's property that he purchased last year). The proposed structure measures 40 x 60, constructed of steel. Asked if there was currently a building there, Mr. Osborne stated there was not, however there was an existing driveway. There would be no septic, no water, no electric. The building would primarily be used for Storage for motorcycle, RVs, trailers, personal items. Asked if he would be conducting business on it? Not going to say no. Rents inflatable bounce houses for kids. Public will not be coming to the site, only does delivery out of there. No employees anymore. Only have small things I can handle myself. Does have a part-time person I use from time to time.

I'm going to need a site plan application, map of the property to show where you will be putting the building. We will need to complete a SEQR form get it on the town website. If you don't know all the answers we can help you go through it. Need a survey map with the building located on the map. Just so we know you are complying with the setbacks, etc. Should be 150 foot off the road. No one is living there. Going to put any signage up. Maybe, not sure at this point. Have to get a sign permit for that – if you want to go and get approval for a sign now – so you don't have to come back to get approval. Need a general idea of what the sign will look like. No interior lighting – like the Town of Cairo has. Any questions do you have. Give application fee of \$200.00 and then would we require a public hearing? It depends, additional \$30, depending on how close to the property lines you are, we may or may not require a public hearing. Wait to pay application fee for when you come to the next meeting and you have everything ready. Two checks made out to the Town of Cairo. Have it 10 days prior to September 6, 2018, to Robert in Zoning when you get everything together.

Other Business

Master Units Retreat

The Chairman said he received email last week asking if they had enough built – want to make sure they are complying. The Planning Board members asked when they expect to be completed. Building in the field, pavilion or building, has been up for 8 weeks, no walls yet, soon there will be walls. The applicant stated that right now, the money is going into the garage, which will be the future kitchen. They are awaiting inspections. The barn out in the field will house their water treatment facility and then there's the main farm house which they are renovating and fixing for a while, which is not really changing. Garage is being jacked up and kitchen, with an octagon shape building which will be open inside for yoga. And off of that there will be a wing that has a bunch of rooms where people will stay. Is the project substantially complete? They have waited for approvals from the Department of Health for three years. Finally, they said okay and then they finally lifted the garage.

The Chairman said he believed the entity who makes the determination is the building department. The applicant said he had moved here 5 years ago to be the person on the project and as you know I've had to find other work because there was no project to make due to the delays relating to the Department of Health. Have been waiting on the Department of Health to say, okay, now you can build. A question from the PB was when do you expect to be done? By 2019. All buildings should be done in 16 months. They received their extension – but they are substantially along – we have to take a vote to see if they are substantially along given the limitations. They have done their septic system. The garage just got set back down. Next phase is to complete barn. Liz said she believes they have made huge progress considering the delay with the Department of Health. A motion was made by Kevin to state they were substantially done on the project, seconded by Allen. A vote was taken, all were in favor of agreeing that the project is substantially done.

527 Main Street

Two Gentlemen appeared who were both interested in the same building - 527 Main Street. One person wanted to see if they could put an art gallery in the back. The other party was interested in opening a café or restaurant - he said his wife and he want to do this business, and there's plumbing issues, and the kitchen needs to be expanded, etc., and wanted to know if this was an allowable use. The Chairman let them know they could put a restaurant in. The first gentleman who wants to do the art gallery in the front wanted to know what they would be able to do with the barn in the rear – perhaps use commercially on the first floor and live upstairs.

It's a ½ acre of land, commercial property so those uses would be allowable - they would have to bring it up to code. It was noted that having an artist's studio would require there to be x amount of parking spaces (there's 6-10 spaces now). The septic is fairly new. Ed stated they would be getting into a right-of-way thing with their neighbor as next door there will be 3 apartments -- you would have to let them have access. The gentlemen seeking the restaurant said his other question was, could they use the back of the existing building to put an apartment. The Chairman said the PB can give advice, however the zoning officer Robert Fritz makes the determination of allowable land use. Chairman said he believes both of them could do what they wish to do. They indicated that Robert Fritz said to come to

the PB meeting – they came to meet with Robert, he sent them to the Building department and they referred them back to Robert who asked them to come to tonight’s meeting.

Chairman indicated that the town is currently proposing a law, that the front part of each building has to be commercial, the town wants to make sure there are storefronts and restaurants on the first floor.

A motion to adjourn the meeting was made and seconded - the meeting was adjourned.

Respectfully submitted, *Diane*

Diane M. Newkirk ~ Planning Board Secretary