



TOWN OF CAIRO PLANNING BOARD
PO Box 728, Cairo, NY 12413
Chairman-Joseph Hasenkopf
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Meeting Minutes

March 7, 2019

Members Present: Joseph Hasenkopf, Allen Veverka, Ed Forrester, Beth Hansen, Kevin Hicks and Stacey Poulsen

Pledge of Allegiance

Review and approval of February 7, 2019, meeting minutes.

The PB members reviewed the draft meeting minutes for the February 7, 2019, meeting. Kevin made a motion to approve the minutes with a minor change, and Beth Hansen seconded the motion, all were in favor to approve the minutes as amended.

Public Hearings:

1) 2019-0103 – Delightful Bites By Nina – Heath - 597 Main Street (Tax Map #101.05-7-20)

Nina Heath was in attendance and explained to the public her plan for a café and bakery. Ms. Heath said she would be offering custom cakes, cookies, pastries, and coffee and explained the space will only accommodate approximately 6 customers at a time. A question from the public was posed regarding how long she's been baking and the reason why she wants to open this bakery. Nina explained she went to culinary school five years ago, and has been selling cakes, cupcakes and cookies and that it has brought her a lot of joy.

Business:

1) 2019-0103 – Delightful Bites By Nina –Heath - 597 Main Street (Tax Map #101.05-7-20)

Ms. Heath met with the Planning Board members to review her site plan for the bakery. Ms. Heath indicated she would like the bakery to open by June. The Planning Board members reviewed the site plan and there were no concerns. A motion was made to close the public hearing by Allen, seconded by Kevin, all were in favor and the public hearing was closed. A motion to approve the project was

made by Allen, seconded by Kevin, all were in favor and the project was approved. A fee of \$200.00 was paid by the applicant.

2) **2019-0102 – Red Star Café’ & Bakery – Guiragossian – 526 Main Street (Tax Map#101.05-3-23)**

Mr. Guiragossian appeared and discussed his site plan for a café and bakery. Mr. Guiragossian purchased the building at 526 Main Street and plans to open a café and bakery. The discussion led to proposed signage and the applicant described his proposed sign as being a metal tin sign you can see from both sides of the street and mounted on the existing sign post. Mr. Guiragossian discussed his plans to paint the outside of the building white with black trim and stated the only interior structural change would be to open an archway. Mr. Guiragossian discussed his plan was to be open by June. The Chairman suggested the PB set the public hearing for April 4th and directed the applicant to pay a \$200 site plan fee along with a \$30 escrow fee for the public hearing notices.

3) **2019-0201 – Grace Baptist Church – 107 Warren Stein Road -2-lot Subdivision**

Grace Baptist Church Trustees were in attendance with their request for a 2-lot subdivision of church property. The PB members reviewed the site plan along with the approval from the Zoning Board of Appeals for the requested variance for the subdivision and there were no concerns. The PB instructed the church to update the lot sketches to show acreage of the current and proposed subdivisions and note that the well location and that the church shares the well of the proposed subdivided house. The Chairman instructed the applicants that the PB would set a public hearing for April 4th and directed the applicants to pay a \$200 site plan fee along with a \$30.00 escrow fee for the public hearing notices.

4) **2019-0202 – Immaculate Heart Seminary – 150 CR 39 – 3- Car Garage/Utility Shed**

Several clergymen met with the PB to explain their site plan to construct a 3-car garage/utility shed. The Chairman assisted the applicants in completing a SEQRA form and a negative declaration was made. A motion was made to waive the public hearing by Elizabeth, seconded by Kevin, all were in favor and the public hearing was waived. A motion was made by Allen to approve the project, seconded by Elizabeth, all were in favor and the site plan was approved. The applicants paid a \$200 site plan fee.

5) **2019-0301 – Malkin - Tiny House - 2776 Route 23B, South Cairo – Meeting Facility**

Mr. Malkin met with the Planning Board briefly to discuss his concept of placing a campground meeting place/yoga building on the Tiny House site.

6) **2018-0101 - Grandview Solar - 743-775 Main Street – Site Plan Review**

Sazzy Gourley introduced himself as the new representative from Cypress Creek on the project along with Annie McAllister who would be taking the reins from John Reagan to develop the proposed 2 MW solar farm. Mr. Mitchell, the engineer also in attendance, presented a newer site plan based upon the final changes. He explained that Cypress Creek had been in front of PB back in January and they were addressing the outstanding comments from the Board. He indicated there was a follow up meeting with the Chairman and Kaaterskill Associates resulting in an updated set of plans and list of comments and issues to address. Mr. Mitchell went on to say they met a second time with Kaaterskill Associates and went thru the plans to make sure that they had provided everything to the

Planning Board's satisfaction resulting in the final set of plans which now provide for a ditch and calls out exactly where the turf reinforcements will be incorporated. John Valachovic from Kaaterskill Associates was in attendance and he stated that from an engineering aspect everything had been satisfied. Mr. Valachovic went on to say that the newest site plan contains detail on the ditch geometry, dimensions on the steep area, etc.

Decommissioning Plan

The Chairman addressed the applicants and indicated that the point where the PB left off last month was the understanding that we were supposed to get an updated decommissioning plan. Mr. Gourley discussed that indeed the decommissioning plan was included in the submission and if you flip to the last page it reviews the budget for the plan. The figure that Cypress Creek was proposing for the bond was \$201,000. There was some discussion on the rate of inflation, etc. The Chairman proposed at least a \$250,000 bond or they could come before the board every year during the life of the project to reassess. The Chairman polled the PB members and it was decided a \$300,000 decommissioning bond would be more desirable. Mr. Gourley was still leaning toward the lower figure because of the salvage value of the project. The Chairman indicated that the problem with that is that Cypress Creek would know who to sell the parts to, but if the Town was tasked to do the decommissioning, they would not know what the salvage value is. In addition, John Valachovic brought up the point that if the Town had to dismantle the project, the cost would be set at the prevailing wage rate and not private construction. The Chairman determined that the PB will hold the bond at \$300,000 for now. There was a short discussion of the approval being conditional upon a bond being in place.

Public Hearing

The Planning Board members discussed and decided due to substantial changes to the site plan since the outset of the discussions (i.e., changing the entrance from Monti Drive to Main Street, adding battery pack, etc.) they would require another public hearing, giving adjacent properties and the public an opportunity to voice any concerns they may have with the newest version of the site plan.

Addressing Erosion Issue – Possible Drip Edge

Next the discussion turned to the subject of the proposed drip edges and the Chairman asked where the company had decided to land on that issue. Mr. Mitchell stated he had put together a memorandum that addresses this issue and what they were proposing is there is not a need for a drip edge and his memorandum provides the rationale behind it. Mr. Mitchell went on to explain that you don't want to concentrate run off; if you create a point discharge, if you collect runoff from drip edge in a stone diaphragm the water is going to go into the drip edge; because solar panels have to face due south; parallel with the contour and runs into the drip edge and infiltrates into the ground; 8-10 feet of drip – at low end; and create a point discharge at the edge; erodibility values specifically for the soil, we can calculate the potential and predict the erodibility of the soil.

The Chairman indicated that he was concerned what the erosion would be after 10 years without the drip edge in place. Cypress Creek is proposing putting plantings down and growing grass – but in his view unfortunately grass doesn't grow lush in a year; so, he did not foresee grass taking root until year 3 or 4. Putting down sod was discussed fleetingly with the company but was readily shot down, so they are not proposing to sod. The company is planning to mulch as required by the DEP - 2 tons of straw per acre. When the straw is laid down correctly for erosion control, it will reduce erosion

by 90%; but have to use the right application rate; as a rule of thumb you should be able to walk across the straw and not get your shoes muddy; you seed and use a tackifier, an application that holds the straw in place, until the grass is established at an 80% growth. The NYSDEP SWPPP requires this type of erosion control and the company is using applications from the standard blue book. Mr. Gourley went on to explain that they are required to have an inspector out every week until the grass is 80% established. There is a mixture of rye grasses that are used, one that is an annual grass and then perennial rye grass which would be the permanent grass that remains. The Chairman reiterated that the PB had required the other solar project to do drip edges and they agreed immediately.

Mr. Gourley indicated there would be a significant amount of mulch, chopped up straw and went on to explain that if there's a problem, they are required by the DEC to fix the issue in 24 hours. If just looking at the erosion issue, gravel causes more of a problem collecting in pools, it is solved almost completely with straw mulch and is a more compelling argument. He explained that the company is contractually obligated through the permitting process and with the current regulations and the proposed straw and required inspections on a weekly basis until the grass is 80% complete. Cypress Creek will be required to meet very strict standards of preventing erosion through the SWPPP regulations. With the proposed straw and grass growth being monitored on a weekly basis, there would not be a time where they would get into a position where 6 months down the road there would be an erosion problem. Mr. Mitchell indicated the company will remove trees and vegetation, replace with mulch and seed then they come back and install the panels after grass is established and must replace the disturbed areas by immediately planting grass. Once the site is stabilized, the Town also must sign off on it.

Mr. Gourley stated the panels would not need to be installed until the grass starts to grow; 2 layers of grass, a rye grass pops in 7 days and use a mixture, rye grass is annual, doesn't come up the next year. So, use a mixture of grass, one that grows quickly but not a long-term grass, that takes longer to grow and becomes the permanent grass.

Kevin suggested that since the company provided scientific evidence of the effects of runoff on the different soil types found at the site, we should waive the drip edge requirement unless anyone could provide other data proving that a drip edge was recommended.

Percentage of Acreage Coverage

At the previous meeting one of the issues discussed was acreage coverage --percentage based on the leased area. The new site plan shows that the actual lease line is fence line but also includes the driveway and the total area to be 13.76 acres/12.66 with panel coverage to be 5.66 – which is 45% coverage of leased area. This includes a 40 foot right of way strip where the road is.

Battery Storage Containment

The Chairman addressed the issue of battery storage which was presented at the last Planning Board meeting. Mr. Gourley indicated that Cypress Creek is proposing that a battery pack be added to the equipment pad; that basically the battery is a newer technology and is becoming a standard part of the equipment pad that is going to be proposed on every solar farm moving forward. This battery storage will allow the company to hold electric power during off peak hours which can be distributed during peak hours and the battery will allow more energy to be stored. The impact on the site plan is it will have a slightly larger equipment pad. He explained that the battery will be fully contained

within a steel encasement. The new equipment pad is much larger. The Chairman inquired whether the batteries are saving power during non-peak hours, allowing the company to sell the electricity at a higher price during peak times. Annie indicated that it allows Cypress Creek to put more energy into the grid. If there's a greater demand during peak hours, it will serve a greater number of people.

Battery is going to be contained; the equipment pad shown on the plans; shown based on first conversation made at Kaaterskill; newer equipment panel is much larger; or if is no battery; alternating current or power line doesn't have ability to store power; This allows the company to meet the clean energy goals of the state, it allows them to draw power from the closest point possible, making the system more efficient.

The size of the pad was discussed, and the difference between the size of the pad on the previous site plan without the battery was to be 10 x 10 feet, now with the battery the pad is to be 50' x 25'. The Chairman had a couple questions about the safety of the batteries; will they blow up if hit by lightning, what environmental controls would be in place; how they propose to clean up in the event it gets hit by lightning or something. What would be the response time? Mr. Gourley explained that the batteries will be in a steel-encased container with proper ventilation and climate control with an independent monitoring system that is run by their team in Durham, NC. They would be monitored 24 hours a day by a real human; a fire suppression system is within the shell of the encasement; through the SEQRA process they determined the batteries being added to the site as a de minimus change to the plan. The Chairman disagreed as the battery is the size of a tractor trailer shipping container full of batteries.

The makeup of the batteries was described as lithium batteries like in your cell phone. Mr. Valachovic asked if other towns had any concerns about batteries? Ed indicated that the Catskill PB is having concerns about batteries. Mr. Gourley reported they were working with a few towns who have already approved projects and they have been going back to ask to add the battery and they have had no problem getting approved. He went on to discuss that most of the materials are 50% recyclable and the minerals in the batteries can be reused. A question was asked what chemical is used if the batteries catch on fire and Mr. Gourley stated that it was an environmentally friendly chemical.

Conclusion

The remaining points that need to be addressed are the environmental concerns with the batteries, the containment and how it works, the erosion issue concerning drip edge; confirmation of a decommissioning plan of \$300,000; an accurate visual assessment of the site; an answer to the question of the measurement of the utility right-of-way; the amount of funds they will allow for tree plantings. It was also requested that everything needs to be submitted as a complete set of the final submission so the PB knows exactly what it is approving. In addition, Greene County is going to require tree plantings due to the removal of so many trees and they need to agree on the amount of money they are willing to pay for trees. Additionally, the Chairman asked for an additional \$2500 in escrow to be provided which includes the PILOT, what is owed on the engineering and some additional escrow for public hearing, etc. Lastly the required SEQRA forms were discussed and should be provided.

It was decided the public hearing would be set for April 4th and Cypress Creek intends to provide a summary of what they understand to be the outstanding items needed for the approval.

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

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