

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of September 20, 2017

MEMBERS PRESENT:

Robert Dingman, Chairman  
Justin Fehl  
Randy Getty  
Karen LaRose  
Tim LaSarso  
Todd Murphy

MEMBERS ABSENT:

David Gauci (Excused)  
Cheryl Hogan – Alternate (Excused)  
Randy Weaver (Excused)

Code Enforcement Officer  
Ross Cortese

TOWN ATTORNEY

Jeff Meyer, ESQ.

The meeting was called to order by Chairman Dingman at 7:00 P.M.

Roll call of all Members and Officials.

Chairman Dingman entertained a Motion to Approve the Minutes of August 16, 2017.

**ON A MOTION BY MR. FEHL**, seconded by Mrs. LaRose, the minutes of the August 16, 2017 meeting were approved.

AYES: NAYES: 6

ABSTAIN: 0

MOTION CARRIED

**1. AVIATOR WAY SOLAR, LLC**, contract vendee of Tax Map # 127.-1-27 and 127.-1-26.3 commonly known as 40 Aviator Way, Queensbury, NY, located in Zoning District, Residential Agricultural RA-1A District is seeking Site Plan approval to develop a 2 MW Solar Energy Facility at this location. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Chairman Dingman introduced Bryan Stumpf, Cypress Creek Renewables, Zoning & Outreach Manager-Development and Thomas Puchner, Phillips Lytle Attorneys at Law to address the Board and Crystal Eggers, Langan Engineering.

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Chairman Dingman opened the Public Hearing.

Mr. Stumpf stated Mr. Giroux will be merging the two properties on Aviator Way rather than doing a subdivision. Mr. Stumpf gave Chairman Dingman a copy of Tax Parcel Combination Request from Washington County Real Property Tax Services for the record.

Tom Puchner, attorney for this project stated on the last site plan presented to the Board they were going to do a lot line adjustment/subdivision. After having discussions Mr. Giroux it was decided they would combine the two lots. At this point they do not have the new site plans ready for the Board. Before the next meeting they will have a new site plan for the Board.

Crystal Eggers, Langan Engineering stated the only difference between the site plan tonight and the site plan the Board has already received is the subdivision line is not on the new plan anymore. Everything will stay the same as was on the first site plan.

Mr. Stumpf stated they have started the application with the DEC concerning the wet lands.

Chairman Dingman questioned if they had filed an application with the DEC concerning the wet lands. The last the Board had heard it was not filed.

Mr. Stumpf stated not as of yet, but they are working on it.

Mr. Puchner stated there have been communications with DEC on how the process works. Mr. Puchner is requesting approvals with conditions once they get the permit from DEC. In terms of wetlands there are areas of buffer zone that will be affected. There are .040 improvements to the driveway.

Mr. Cortese questioned if this is due to widening the road.

Ms. Eggers stated that is correct. The remittance of a logging road that is there now has an existing culvert. They are proposing to improve the logging road to bear a little more traffic. Therefore, they need to widen the road and encroach a little bit into the wetlands. The traffic is only going to be for the construction. After the construction there shouldn't be any traffic.

Mr. Stumpf stated there will be traffic for the landscaping that will need to be done periodically. After the construction is done they will have someone do inspections every three months.

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Mr. Stumpf stated decommissioning was brought up at the last meeting. They will be able to provide something that shows the salvage value.

Chairman Dingman questioned Mr. Stumpf if he was talking about a bond.

Mr. Stumpf stated a bond or some percentage. They are looking at seeing a percentage above the salvage value. If the Town has an independent third party do an estimation of commission and cost they would balance that with the salvage value. Cypress Creek Renewables will be responsible for the third party fees.

Chairman Dingman stated he has tried to get in contact with someone in Whitehall, NY to see how and what they have done with their solar farms. This is the first one to come before this Board and we need to get it right.

Mr. Getty questioned how long the DEC Permit could take.

Ms. Eggers stated it can take from 60 to 150 days.

Mr. Getty questioned if it could be less than 60 days.

Ms. Eggers stated it won't be less than 60 days.

Mr. Getty stated that will still give the Board time to get more information from any other municipality that may have solar farm.

Mr. Stumpf stated he was in contact with Bryan King, Fire Chief of Kingsbury Volunteer Hose Company. On September 6, 2017, Mr. Stumpf hosted a Safety and Emergency Response Procedure Training at the Kingsbury Town Hall. Mr. Stumpf provided a copy of the signed confirmation form saying the training was done. The fire company was very satisfied with the training.

The Public Hearing was opened.

Audience members in attendance listed below raised a number of questions and had a number of comments and complaints relative to communication with Cypress Creek.

Diane Coughlin & Don Gibbel, 41 Aviator Way, Sherry Burdick 32 Aviator Way, Ian McNally 23 Aviator Way, Hal Kilburn representing Daniel & Kelly, Turcotte 29 Aviator Way and Francis Giroux, 19 Helen Drive, Queensbury.

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Chairman Dingman stated for the record he would like to see Cypress Creek Renewables and the neighbors work and improve communication on this project. There needs to be an attempt to have each side work together to ensure that all necessary information is provided to both parties.

Mr. Stumpf stated as a reminder Cypress Creek have built solar projects in 15 states. They have approvals for eleven projects in NYS. We all have concerns with access to this project. In ways this will be an improvement to this area.

Chairman Dingman stated to be clear it is not fair to Cypress Creek Renewables or the neighbors immediately feel adversary to a relationship. It is better to work with people and if doesn't work out then there is not a problem. We need to try to work together first because then it will be a beneficial to everyone in the long run.

Chairman Dingman stated there have been issues in the past, if the neighbors have an issue with someone being on their property or other issues, who or where they would call.

Mr. Stumpf stated they can call him. He has handed out his business card. Cypress Creek has very strict rules. Mr. Stumpf role is mostly zoning. He then said that he will check to see who the neighbors should call.

Chairman Dingman stated if there were issues the neighbors would call directly to the contact person so that they can take care of the issue. Chairman Dingman also recommended the neighbors not have contact with the construction workers on this project.

Mr. Stumpf stated there is a project manager.

Mrs. LaRose questioned if the Board should meet the project manager as well.

Mr. Stumpf stated he could have the project manager attend a meeting.

Mr. Stumpf believes everyone is on the same page at this time.

Chairman Dingman stated as long as there is communication on both sides it solves a lot of problems. He asked Mr. Stumpf to meet with face to face with each neighbor and find out what each issue is. These would be issues Mr. Stumpf can address that the Board cannot.

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Mr. Stumpf stated at the next meeting he is planning on bringing the ongoing narrative of the conservations and also PUD renderings. He will need to be on each home owner's property to be able to get the correct information. He will also be talking with the construction team.

Chairman Dingman stated he would like to clarify something. Mr. Giroux was asked if he plans to sell or lease other portions of his land for other purposes. He indicated that he had no further plans. The Chairman indicated that just because it is Mr. Giroux's plan tonight, that does not mean he cannot change his mind.

**ON A MOTION BY MR. FEHL**, seconded by Mr. Getty all in favor, the meeting was adjourned at 8:15 P.M.

Michelle Radliff  
Secretary