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Town of Bethel Planning Board

PO Box 300, 3454 Route 55
White Lake, NY 12786

The Town of Bethel Planning Board held a Special Meeting on Monday, July 20, 2020 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. On the agenda at this time was the following;

In attendance are the following: Steve Simpson, Acting Chairman, David Biren, Susan Brown Otto, Michael Cassaro, Robert Yakin, Jr. Alternate, Bette Jean Gettel, Code Enforcement Officer, Vicky Vassmer Simpson, Town Board Liaison, Jacqueline Ricciani, Attorney, Jannetta MacArthur, Recording Secretary.

Pledge to the flag

Excused: Jim Crowley, Wilfred Hughson, and David Slater.

Seating Robert Yakin Jr.

There are no minutes to be approved.

Steve Simpson: Welcome to the Town of Bethel Planning Board meeting, July 20th. Tonight, is a special meeting for the following:

- 1) Public Hearing for a Site Plan Review for a Solar Farm located on 2017 SR 17B, known as Bethel Tax Map #: 26-1-4, proposed by Delaware River Solar for Peter Hofstee. (Garigliano)***

Return receipts accepted.

Motion to open public hearing by Susan Otto, second Mike Cassaro

All in favor – 5

Opposed-0

Agreed and carried

Return receipts received

Walter Garigliano: There are no changes to the site plan except we inserted another sheet in the site plan that shows on an amplified basis on a different scale the location of the interconnection of transformers and inverters because that came up last time. On the map, we have now included on the page, and we have gone over the maps with BJ from the Building Department, it is now showing exactly where it is going to be, otherwise there is nothing new to add from the last time. I'll save any comments to address anything that comes up from the public.

Steve Simpson: Any speakers at all?

None

Steve Simpson: Let the record show there are no speakers.

Bette Jean Gettel: We have one written comment.

Jacqueline Ricciani: There is no one from the public that wishes to speak?

Bonnie Lagoda: I am on Dr. Duggan Road bordering the farm. That farm has been there for as long as I have been around. The bar is been there for 71 years. The farm is kept very well, there are no issues with the solar going in. I am fully for it.

Steve Stimpson: Thank you. BJ do you want to read the written comment into the record?

Bette Jean Gettel: Reading letter from E Isseroff – 58 Redwood Terrace, Williamsville, NY 14221. Basically, she says we believe the solar farm will improve the environment of this area; she supports this project.

Motion to receive and file by Michael Cassaro and Susan Brown Otto

All in favor – 5

Opposed-0

Agreed and carried

Motion to close public hearing by Susan Brown Otto, second by Robert Yakin, Jr.

All in favor – 5

Opposed-0

Agreed and carried

Steve Simpson: I will read into the record Sections 345 I & J

Jacqueline Ricciani: This was all done at the last meeting. Steve is going to run through these again to see if any of you have any separate factors. You may want to take into account from public comments.

Reading 345-30 I & J

1. Building design, lighting, location and signs insofar as suitability for the use intended and impact on and compatibility with the natural and man-made surroundings.

The solar energy system will be located several hundred feet from Route 17B. The parcel is vacant, there will not be any signs on 17B. Only safety signs will be posted on the fencing.

2. Storm drainage, flooding and erosion and sedimentation control.

A stormwater pollution prevention plan, SWPPP was prepared by the applicant and reviewed by the Town’s Engineer.

3. Adequacy of community services and utilities, including police protection, emergency services and the educational system.

The project will not have any detrimental impacts on community services.

4. Environmental impacts in any form.

The application was subjected to an environmental review and a negative declaration was granted.

5. Impacts on housing availability.

There is no impact on housing availability associated with this use.

6. The potential for nuisance impacts such as noise, odors, vibrations or glare.

The inverters will be located several hundred feet from adjoining properties. Solar energy panels are located a sufficient distance from the airport so there will not be any glare involved.

7. The adequacy of the trees, shrubs and other landscaping to buffer or soften a use in terms of visual or other impacts on adjoining property owners, Town residents and those visitors on whom the local economy often depends.

The applicant submitted a landscaping plan showing a mixture of spruce trees, spruce evergreen trees, along the access driving in the eastern portion of the property facing State Route 17B.

Susan Brown Otto: Is that the northern side, or eastern side?

Steve Simpson: The eastern side. The access driveway.....

Susan Brown Otto: Isn't behind the Dancing Cat, isn't that on the northern side, the eastern side would be parallel to Dr. Duggan Road, wouldn't it?

Walter Gargliano: May I clarify that? The northern side along the adjoining property owners to the north and it's the eastern side of the easterly most property owner on Rt 17B but generally it is the northern side.

Steve Simpson: continuing #7 – The solar panels will not be visible from Dr. Duggan Road due to the topographical, natural vegetation and distance from the road. The applicant will be required to post a bond for the maintenance of the screening.

Susan Brown Otto: Wasn't it decided 2 meetings ago, not to have spruce trees, is it just spruce trees, that tree has a blight.

Steve Simpson: The landscaper that was here....

Jacqueline Ricciani: So, one of the conditions last time around was to post a bond for the landscaping, the bond is going to be \$20,000 for two years. There was also a condition that the applicant would not

plant blue spruce trees, and on the site plan it indicates they are going to use a mixture of different types of spruce and evergreen trees. There is a specific condition of no blue spruce.

8. Impacts on nearby property values.

It is unknown at this time, if there would be any impact on nearby property values.

9. Traffic impacts (see § [345-22H](#)).

During construction, workers will be traveling to the site. A temporary construction trailer and temporary designated parking area will be provided. After construction, it is anticipated that there will be approximately one trip per month to the site for maintenance and sheep will be transported to the site periodically to maintain the grass cover. The applicant has applied for a driveway permit to accommodate transportation and site distances shown on the plan.

10. Any other factors which reasonably relate to the health, safety and general welfare of present or future residents of the Town of Bethel.

The project will not create pollution. The applicant submitted a decommissioning plan that will be reviewed by the Town Board.

J. The Planning Board, in acting upon the site plan, shall also be approving, approving with modifications or disapproving the special use permit application connected therewith taking into consideration not only the criteria contained above but also the following:

1. Whether the proposed use will result in an overconcentration of such uses in a particular area of the Town or is needed to address a deficiency of such uses. The Board shall, in this regard, consider the suitability of the site proposed for a particular use as compared to the suitability of other sites in the immediate area.

This is the only large-scale solar energy system in the area.

2. Whether the proposed use will have a detrimental or positive impact on adjacent properties or the health, safety and welfare of the residents of the Town of Bethel.

There will not be any impacts on adjacent properties, or the health, safety and welfare of residents from this project.

3. If the proposed use is one judged to present detrimental impacts, whether an approval could be conditioned in such a manner as to eliminate or substantially reduce those impacts.

There are no detrimental impacts anticipated from this project.

4. Whether the use will have a positive or negative effect on the environment, job creation, the economy, housing availability or open space preservation.

The project will have a positive impact on the environment because it is producing renewable “green energy” which will also benefit the residents of the Town.

5. Whether the granting of an approval will cause an economic burden on community facilities

or services, including but not limited to highways, sewage treatment facilities, water supplies and fire-fighting capabilities. The applicant shall be responsible for providing such improvements or additional services as may be required to adequately serve the proposed use, and any approval shall be so conditioned. The Town shall be authorized to demand fees in support of such services where they cannot be directly provided by the applicant. This shall specifically apply, but not be limited to, additional fees to support fire district expenses.

The project will not produce economic burdens on community facilities or services. There will not be any sewage treatment or water supplies for this project. There is a private driveway for access to the project that will not impact the Town Highway Department. The project will not pose a burden for the Fire Departments because those issues would be handled by the utility company.

6. Whether the site plan indicates the property will be developed and improved in a way which is consistent with that character which this chapter and the Comprehensive Plan are intended to produce or protect, including appropriate landscaping and attention to aesthetics and natural feature preservation.

The large-scale solar energy system meets the applicable requirement of Section 345-39 of the Town Code of the Town of Bethel and has been thoroughly reviewed by the Town's Engineer. There will be landscaping to buffer the view of the project from neighboring properties and passersby. The project will have an overall benefit to the community because it is producing renewable energy.

Steve Simpson: Does anyone have any comments?

Susan Brown Otto: Will there be signs so they know the construction people know where to turn during the construction on 17B?

Walter Garigliano: I'm not aware if there is or isn't.

Susan Brown Otto: I know that hill there on 17B, I would appreciate if there was some sort of signage so they know where to turn.

Walter Gargliano: During the initial construction DOT was operating with limited staff due to the pandemic. They received permission from Mr. Hofstee, and Mr. Hofstee is here to confirm that, they will be using his driving.

Susan Brown Otto: That is a very visible driveway

Peter Hofstee: It is a bad area through there. You have a blind spot there coming from the west. Then you have the other stuff there, the Café, the Farm Stand, you have multiple things there. They should put signs there, and I'm sure they will do that.

Walter Garigliano: We will do on behalf of the applicant, do anything the Building Department asks, and I am sure DOT.....we will be using Mr. Hofstee's driveway, which is a very visible spot.

Jacqueline Ricciani: I know the applicant has been working with the DOT throughout this

project.

Walter Gargliano: We will on the onset be using Mr. Hofstee's driveway which is existing and very visible driveway which connects by the house.

Susan Brown Otto: That spot like Mr. Hofstee said people fly through there 55 – 70 mph, during the construction phase, is different.....

Steve Simpson: Walter, what is the time frame of construction?

Walter Garigliano: They will start tomorrow if approved tonight.

Steve Simpson: How long will it be?

Walter Gargliano: They need to be completed by December 31st to push the interconnect button. We provided documentation for that.

Susan Brown Otto: When is the Town Board meeting for the decommissioning agreement? When does that get approved?

Walter Gargliano: There is some time before it goes to the Town Board. We don't need the decommissioning agreement until they are ready to put up the panels. They have a lot of work to do. We have a draft.

Jacqueline Ricciani: And the realty is when the decommissioning plan goes to the Town Board, the applicant is just going to have to comply with whatever the Town Board wants on that plan in order to get their approval. Glenn has already reviewed the draft.

Steve Simpson: At this time lets review the conditions.

Jacqueline Ricciani: Reading conditions

Conditions:

The applicant shall obtain all required approvals by other agencies, including but not limited to a NYS Department of Transportation driveway entrance permit from State Rt. 17B.

The applicant shall post a bond for the installation and maintenance of landscaping to screen the solar energy system in the amount of \$20,000 for two (2) years.

The applicant shall not plant blue spruce trees for screening of this project.

The applicant shall give prompt notice to the Town of Bethel if the lease agreement with Delaware River Solar, LLC, or its successors or assigns, is terminated.

The Decommissioning Plan shall be approved by the Town of Bethel Town Board.

All fees shall be paid to the Town of Bethel.

Motion to approve Site Plan by Susan Brown Otto, second by David Biren

Roll call vote:

Robert Yakin – Yes – I was a yes last time; this is a good project for the Town. It is renewable energy; the natural slope helps with the hiding of the panels and the additional screening by the applicant will make the project basically unviewable from any road.

Mike Cassaro – Yes

David Biren – Yes

Susan Brown Otto: Yes

Steve Simpson: Yes

Motion passed

2) Public Hearing for a 2 Lot Subdivision review for a Solar Farm located on 2017 SR 17B, known as Bethel Tax Map #: 26-1-4, proposed by Delaware River Solar for Peter Hofstee. (Garigliano)

Return receipts received

Walter Garigliano: This applicant recently received approval to build a solar project on the land of Peter Hofstee. In order to move forward with that they need to ask the board to approve a two lot sub division so that Mr. Hofstee’s farm would be a separate lot from the solar lot. The reason for that among others is that under 487 of the Real Property Tax Law the Solar Farm receives an exemption of real property tax for a 15 year period, and it gets complicated if the solar parcel is mixed in with parcels that have other exemptions like Mr. Hofstee ‘s farm in part enjoys the benefit of an agricultural exemption. It will be easier for your former Planning Board Chairman to assess the property and facilitate the process. They just recently received approval.

Motion to open hearing by Robert Yakin, second by Mike Cassaro

All in favor – 5

Opposed-0

Agreed and carried

Steve Simpson: Would anyone like to make a comment?

No one at this time

Steve Simpson: Any letters at this time?

Bette Jean Gettel: No

Motion to close public hearing by Michael Cassaro, second by David Biren.

All in favor – 5

Opposed-0

Agreed and carried

Jacqueline Ricciani: All you have to do is to review this project was reviewed at the prior

meeting. This was presented at the June 15th meeting, the only condition that was discussed was at that meeting was for the subdivision was for all fees to be paid. Your engineer has reviewed the subdivision map, it complies with the requirement of the code, so there is no other condition. Acting chairman can call for a motion to approve the subdivision.

Motion to approve subdivision by Susan Brown Otto, second by David Biren.

Roll call vote:

Robert Yakin – Yes

Mike Cassaro – Yes

David Biren – Yes

Susan Brown Otto: Yes

Steve Simpson: Yes

Motion passed

Steve Simpson: Congratulations.

Walter Gargliano: We will be there tomorrow.

Motion to adjourn by Michael Cassaro second Robert Yakin.

All in favor – 5

Opposed-0

Agreed and carried

Respectively submitted,

Jannetta MacArthur
Recording Secretary