

Town of Montgomery Planning Board Meeting  
Held at the Town Government Center, Second Floor  
110 Bracken Road, Montgomery, New York 12549  
Monday, September 11, 2018

PRESENT: F. REICHLER, Chairman  
J. BEAUMONT, Vice Chairman  
R. PENNING, Board Member  
W. KELLY, Board Member  
J. BROWN III, Board Member  
R. McGUIRE, Board Member  
R. MONTEMARANO, Board Member

ALSO PRESENT: R. W. HOYT, Attorney for the Planning Board  
L. DOTSON, Garling Associates, Planning Consultant  
A. FETHERSTON, Engineer for the Planning Board  
MEMBERS OF THE AUDIENCE

PLANNING BOARD CLERK: S. HADDEN  
RECORDING SECRETARY: J. CASTON, Recording Secretary

AGENDA

Comment Session

7:30 PM Borrego Solar Systems – 1343 State Route 52 (West)

SEU Permit and Site Plan – Continuation of the Public Hearing

7:35 PM 84 Square Associates – Hawkins Drive – SEU Permit and Site Plan Review

Continuation of the Public Hearing

7:45 PM ARCO Leonard Drive – Leonards Drive (Formerly Bracken 42, LLC)

SEU Permit/Site Plan Review – Continuation of the Public Hearing

Jeslin Orange, LLC – Ridge Road – SEU Permit/Site Plan – Presentation

Walden United Methodist Church – 1206 NYS Rte. 52 – SEU Permit/Site Plan  
Presentation

915 Route 17K LLC (Skibitsky/Magurno) – 915 & 917 State Route 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision – Presentation

Autumn Sky Development Co. INC. – North Drury Lane  
SEU Permit/Site Plan & Two-lot Subdivision – Presentation

Pruschki/Mosher – Valley View Phase III – Mills Road  
Six-lot Major Residential Subdivision with a Lot Line Change  
Recommendation of Road Bond Reduction Estimate to Town Board

Bluewater Industrial Partners LLC – Project Sailfish – NYS Rte. 17K & 747  
SEU Permit/Site Plan – Area Variance Request – Recommendation to  
Zoning Board of Appeals for Sept. 17, 2018 Public Hearing

Westchester Modular Homes, Inc. – NYS Rte. 17K and Colonel Foster Drive  
Amended Site Plan Approval – Approved March 12, 2013  
10 – Six-Month Extensions Granted; Expires September 12, 2018

Chairman Reichle called the meeting to order.

Comment Session

A moment of silence was held in remembrance of September 11, 2001.  
There weren't any comments received.

Borrego Solar Systems – 1343 State Route 52 (West)  
SEU Permit and Site Plan – Continuation of the Public Hearing

Chairman Reichle opened the Borrego Solar Systems Public Hearing.

Michael Doud, with Borrego Solar said the biggest change here was that Marty Zany was my Civil Engineer, and David Albrecht will be doing the engineering now.

Chairman Reichle said one of our questions was the size of the field and how it meets the zoning requirements. This property was two parcels and it was combined so that you could gain the area that you needed. With one parcel, this is all of the solar that can be on it, is that correct?

Mr. Doud said correct.

Chairman Reichle asked is it this year that the State Energy Commission changed their law from 2 to 5 Megawatts per parcel?

Mr. Doud said it went into effect this year.

Chairman Reichle said it used to be that you could only put 2 Megawatts of power on a parcel, now you can put 5. They needed the two parcels combined in order to get the size of the array they needed for 5- Megawatts. Is that correct?

Mr. Doud said yes it is and we also updated the numbers, there was an error in the calculation, the number is 22.4 acres of the total parcel.

Chairman Reichle opened the floor for public comment.

Deanne Kimler, audience, said she resides at 1334 Route 52, which is across the street from this designated solar farm. I wasn't sure what I wanted to say tonight. At the last meeting I was on vacation. I had you read my letter into the minutes. Just before I left the house, I went on Webster and I looked up the definition for agricultural. I live in a Residential Agricultural zone, agricultural is related to use and or promoting agricultural or farming. Residential is pertaining to to a place of a personal residence. The gentleman here is a lovely man he stopped to see me tonight and talk to me and he said that the one that is going to go down on the old batting range on 52, that's the Industry Zone. I believe these belong on Barron road on an Industry Zone. For years I heard preserve farmland, preserve farmland. My house is 1730, one of the oldest houses in the Town of Montgomery. Now when someone comes to look at this old beautiful home, I can sit on my front porch and what I told him upsets him the most, I spent 25-years in State Prison as a retired Correctional Lieutenant and I looked at barbed wire for 25-years. Now I have to sit and pay 10,000 dollars in taxes and look across the street and look at barb wire. I don't think it belongs there. when they were talking about it.

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Mrs. Kimler - I think if you are going to put these in the town, if this is something that you are going to do, I polled one board member and what he said to me was, you should have come out to the board meeting when they were talking about it. I don't come out to board meetings unless it personally affects me and as soon as I got the registered letter in the mail, it affects me, I can see it. Years ago, 25-years ago when my Dad sat on the town board and they were going to put a propane plant at the corner of Allards Corners, that was knocked out because after people got a look at this, it's residential out there, it's farming, it doesn't belong with a propane tank on the corner. I think the zoning is wrong, I think that this needs to go back to the town board for further looking at. The town board member told me that if I was interested in this at the time I should have come out to the town board meetings. I'm not following town politics unless it has to do directly with me, well this has to do with me and my back field are used to feed a herd of buffalo. I told him I had three solar companies come after me to try to get my property through the last 10-years. I said no everytime, because they don't belong there. I have a historical home and I feel as if the Town of Montgomery went through a huge let's save the farmland, let's save the older homes, let's keep some kind of presence of that in our area. I think my house is the oldest home in the Town of Montgomery, they used it for a survey to show how old it was and what it was used for and it was part of the original farm, which is the house across the street, which the young man sitting back there, he owns. I can't imagine, I feel so bad for him. You spend your whole life. I've been at my house for 43-years, he's got his whole life savings invested in that house and you're not going to be able to give his house away once that's a solar farm in the backyard. I think they belong on Bracken Road or one of these places where there is industry, put them on top of the buildings on Bracken Road, do it that way. Don't put it on our precious farmland, we don't have that much left in the town to begin with. I was told that Ingo was going to put a solar farm to the right of my house, which he told me now today that he can't because it's too wet. The wetlands are too wet and he'd never be able to do it there, but the thing is I don't care if they put houses there, it's residential and somebody is going to be behind that making sure that the septic is right and the plumbing is right and the electric is right and that's what you have people here for to make sure residents meet Code and they fit. Who is trained in solar panels that works for the Town of Montgomery? I asked him today, how much electric, is it going to go into the poles that are on the road now? How much actual electric is going to be coming out of them and why barbed wire around the top of it? If it's that dangerous, what's it doing on our farmland? It needs to go back to the town board and figure out who's going to follow this thing. I told him I have a friend that has solar panels on the top of their house, he lives in New Paltz. He got a leak in his roof, so he calls the company, they're not even in business anymore. Here he is stuck with solar panels that he has to get off of his roof and that company's gone. What's to say, this company, and what happens when they deteriorate? I know this form of energy just like doing my own research, it's going to change a great deal. I just got back from Europe, they don't have solar panels in Europe, they have the tall windmill towers that they have for electric. This is just a passing thing and I hate to see you ruin good farmland without taking a look at what zones it belongs in. I don't believe it belongs in a residential, agricultural zone.

Dwight Warrington, audience, said I live at 1332 Route 52, this solar project is on the side of me and across the back of my property and I know there's a special exception permit that can be granted for this commercial facility in a residential area. I also know that it doesn't have to be granted and in the law actually says, utility scaled solar facilities are not allowed on ridgelines, or slopes exceeding 15%.

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Mr. Warrington - If you look at the topographical map there, you just drive by there you can see part of it from Albany Post Road. I believe that's a ridgeline and the intent of this law was not to be seen from everywhere around and part of the slopes on that property do exceed 15%.

Mr. Doud said it's 11%.

Mr. Warrington said as an average? Are there any spots there that are 10-foot long that exceed 15% slope?

Mr. Doud said no.

Mr. Warrington said I would say he is incorrect and he is giving you false information. The same as the report that says, all the groundwater runs downhill to the wetlands. My property, Mike's property next door, we're not wetlands and that water runs down into our properties. Your drawings are not to scale at all, they're way off.

Mr. Doud opened the proposed site plan.

Mr. Warrington said here we go right here, that's your 20-foot driveway, my corner property is right there. The scale, that's less than half the width of your driveway.

Mr. Doud said in that one location, yes.

Mr. Warrington asked how far is that from the front of my property? It's way up. He just gave you false information, he's off 30-feet.

Mr. Doud said it's 30-feet for 95% of it.

Mr. Warrington said that's not what I asked. How close is it to the corner of my property, your 10-foot driveway?

Mr. Doud said 10, 15...

Mr. Warrington asked what is going to be going on that driveway? Are we going to have commercial trucks and traffic during the construction?

Mr. Doud said yes of course, it has to be constructed.

Mr. Warrington said how many feet is that, is that 10-feet or 8-feet?

Mr. Doud said 10, 15 feet.

Mr. Warrington asked why are you doing that? You have all of this property. What's this property zoned over here? Why do you go right alongside of my property? You show total disrespect for any residences around here.

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Mr. Doud said this would be a very typical location for somebody to put in...

Mr. Warrington asked for what? It's the cheapest for you.

Mr. Doud said for a subdivision.

Mr. Warrington said but you're going to have commercial traffic going through here. You're going to have deliveries, a construction trailer, there's no need for that to be right against my property.

Mr. Doud said it's for about 4-months, to construct it.

Mr. Warrington said they can park next to your house for 4-months, I don't want it next to mine.

Mr. Doud said we don't anticipate parking any vehicles back there.

Mr. Warrington asked what is agricultural about this? In the area that you're covering here, I can see right here the roadway for the percentage, I even counted a roadway down the middle of it. The required fence is a component of your solar facility. The perimeter, that needs to be counted, the whole perimeter in your percentage of your property.

Mr. Doud said Mr. Chairman, I haven't heard a question yet from Mr. Warrington.

Mr. Warrington said unless you are going to carry like the law says, you're not supposed to just count just the panels, you're not even counting the roadway down the center of your place in your area of coverage when it comes to percentage.

Mr. Doud said I think they agreed upon, the discussion was...

Chairman Reichle said it's 25% of the total area is what you are allowed.

Mr. Warrington said but they're not counting all the area inside the perimeter fence, they're not counting the area of the driveway running through here. Correct, am I correct?

Planner Dotson said the coverage is defined as the area of the panels.

Mr. Warrington said the area is not what I read in the law. It says not to be counted, the square footage of just the panels and I would say that the required perimeter fence, 8 ½ foot high because of the safety factor for the high-voltage, that's a component of the facility and that whole perimeter should be counted. Obviously, that's being taken up by this solar facility. We can go into technicalities, but I believe that was on the intent of the law that the town made.

Chairman Reichle said I think the coverage area is what the intent was, it's the coverage of the panels is what the intent was.

Mr. Warrington asked why would you do that?

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Chairman Reichle said because it's just a field, you run a fence around the field, it's not covering anything, there's no impervious there.

Mr. Warrington said the fence is a required component to the facility.

Chairman Reichle said but I think it's the coverage, I don't think the coverage includes the fence. I think it's just the panels, that's what we are going to look up; it depends how it's written.

Planner Dotson read the percentage of lot coverage shall be measured at the perimeter of the total area of the solar energy equipment as situated, not based on the individual panels.

Chairman Reichle said it's the area of the panels of the array, so it's the perimeter of the array is the percentage.

Mr. Doud said and any of the equipment and our equipment is included.

Mr. Warrington asked how is this going to be screened so it can't be seen from a public right-of-way? There's areas in my backyard, they're not screening it from my residential property where I pay property taxes. Where's the screening that is going to block that view of my property? At least half the people that would consider buying an old farm house with a big solar facility behind there, you just eliminated half my market at least, if not more. This is obviously going to affect my property and part of your job is to protect me.

Chairman Reichle said it would be really nice to have some evidence of that.

Mr. Warrington asked some evidence of what?

Chairman Reichle said you keep saying, is a realtor going to come in and say we can't sell it because of that.

Mr. Warrington asked what do you need for evidence?

Chairman Reichle said we have nothing to back that up, that a solar field...

Mr. Warrington said it's common sense, common sense would say here's this charming old farm house and look behind it and around it is all covered, there's an 8 ½ foot fence and there's 20 something acres of the backside of solar panels. For you to think, to say that that would not have any effect, what is the planning board here for? Picking colors and designing.

Chairman Reichle said we also have to consider the farmer also, the landowner. He's had this property for 30-years probably, since the late 80's.

Mr. Warrington said farmland, yes, residential farmland.

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Chairman Reichle said he divided your house out of it, he divided the barns out of it and he still kept it. He lets the local farmers rent it from him to use it, he has an opportunity here to keep it, most of it is farmland, he can only use the one...

Mr. Warrington asked what will be left that will be farmed?

Chairman Reichle said the whole otherside of the field, the other property, there's all corn now. Nops got corn in there.

Mr. Warrington asked you're going to allow him to use it commercially even though it drastically affects me, it affects the view of the area and in a commercial capacity, not in a non-agricultural, a scrapyard could make money. Lots of people could make money with their property in commercial uses, but residential agricultural, it's not zoned for it.

Chairman Reichle said it is zoned for it, the law allows it and it allows it in a residential zone with a lower percentage; if it were commercial it would be 40%.

Mr. Warrington asked what safe guard is there for the residents?

Chairman Reichle said the screening, the setbacks, we've gone all through this when the law was developed.

Mr. Warrington asked how can it be 10-foot from my property with a 20-foot wide driveway with all this commercial traffic?

Chairman Reichle said for the driveway, for 4-months as he builds it.

Mr. Warrington asked why can't they put the driveway on the otherside?

Chairman Reichle asked Mr. Doud, can you move it over?

Mr. Doud said there were some discussions about sight distances. I'd have to look back on what we did, we were working with the DOT, they had to do a site walk. We have to look at the driveway location anyway and I think when I went to your house, I was willing to move that driveway if that's what you want to have happen.

Mr. Warrington said you really didn't say...

Mrs. Kimler asked move it in what direction?

Mr. Doud said to the west, away from his property line.

Mr. Warrington said these slopes here are much steeper, there's portions of those hills that definitely exceed 15% grade.

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Chairman Reichle said the contouring will show, we can run a scale across it and look at it, because we don't even allow a house over 15%.

Mr. Warrington said it's definitely a hill there.

Chairman Reichle said it's a hill, the ridge would be the very top and it's not at the very top because that keeps going up as you keep going up the hill.

Mr. Warrington said this ridgeline here, that's where the facility's driveways going to be, it's split in half across there, all the way on the top of that ridgeline.

Mrs. Kimler said I understand that Shusters owned the property for along time, the 30-acres behind my house I bought from him, I get that and I realize that he wants to make money. I know he has a lot on this house next to me, but to say that he has land that he's paying taxes on, that he can't do anything with, well put a cul-de-sac in there, up on this ridge, build houses.

Chairman Reichle said I don't think that was in his game plan. This came up and it gives him enough to keep the land, to keep it as farmland, at least the other part of it. He combined the two lots, so instead of one, it's two, because you could put a house on that, I guess, but it's 92-acres, it's one lot now, it's not two separate lots.

Mrs. Kimler said I have my house on 33-acres. When I originally spoke here tonight, I said my definition of residential agricultural, where does that fit into that definition? Is the law written that it doesn't matter what zone they go in?

Chairman Reichle said they're allowed in a lot of a different zones in the town.

Mrs. Kimler said then they need to change the zoning.

Chairman Reichle said the town board, I don't know if they've discussed that. Here's the thing, if you go and change that, you take a farmer, you take a dairy farmer, he's tired, selling his cows. Can't make any money on milk. What does he do with the land? This is an opportunity for him to keep the land, it's not Ingo, but it could be somebody else, we think about you, that's why we go to the screening, that's why we take all the comments, that's why we allow everybody to speak and go through this process. We've got the person on the otherside, he has some rights too and the zoning allows those rights. Now he's trying to keep this, most of this property in tact, because there's still quite a corn field on the otherside and he even left some of the property out front for that purpose and this allows him to get some income to at least keep what he's got.

Mrs. Kimler said the taxes though, he's not going to pay taxes like he does now.

Chairman Reichle said there's an agreement, a PILOT program that will be entered into by the applicant, they will make an arrangement with each of the taxing districts in the town. They will pay the rollback tax, which will be significant for Mr. Shuster, he won't have to pay it, they will pay it and then they will pay whatever the PILOT agreement is. Probably so much per Mega-watt per year, just as an example, I don't know what the figure is.

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Chairman Reichle - Where that property gets 7 or 8 thousand now, they will probably get 3 or 4 times that. I know it's not much and it's not the purpose of all of this. We have to have a law for this, this is what most towns in the area do.

Mr. Warrington said no they don't, they don't allow large scale solar in every zone.

Chairman Reichle said Crawford does.

Mr. Warrington said most towns do not do that and they didn't have to pass the law to do this.

Mrs. Kimler said I can see he wants to make money with the property he purchased, I get that.

Chairman Reichle said and keep it.

Mrs. Kimler said I get that, that's when I bought my piece, that he wants to make money, but I don't understand if it's an agricultural residential thing, why he can't put a road up there and put some houses up there. I'm sure that would be desirable land for building a house.

Chairman Reichle said it probably would be, there's a process to go through for that too.

Mrs. Kimler said that's why I'm thinking that it needs to go back to the town board to take a look at this. What is the limit on this? How many of these are they going to allow? Are they going to allow anybody to put them in? Then I should sell my house and put one in my house and just fill the whole town with these things.

Chairman Reichle asked what if the dairy farmer, as I was explaining, wanted to do that and he wanted to use the prime field for solar? What would we say to him? Do we tell him we're not going to allow you to put it on good farmland? Do we tell him that?

Mrs. Kimler said I think we need to send it back to the board to take a better look at how many of these. When is the end of this? How many are there going to be?

Chairman Reichle said I don't think anyone has an answer, I honestly don't. There are a lot of parameters that they gauge.

Mrs. Kimler asked what about the Brach Farm and all the preserved land, and the one up my road, can they put them there?

Chairman Reichle said not in the preserved land or in the Conservation Easement, they wouldn't be allowed.

Mrs. Kimler asked can all of the Brach's property be put into solar panels?

Chairman Reichle said that was a PDR I think, the Brach Farm on River Road, no.

Mrs. Kimler asked they can't, that's written in that law?

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Chairman Reichle said it can't go in the Conservation Easement.

Attorney Hoyt said Brach's Easement is 16-years old and it doesn't talk about solar panels like it would have today, I don't believe that's the intention there anyway. We don't know what's in the minds of land owners until they apply to us.

Mrs. Kimler said I know that Peter lives within less than a ¼ of a mile from the Brach Farm, he said there's one going over there with him, they're out there measuring already.

Attorney Hoyt said I don't know, I'll ask Peter that. This local law was adopted almost a year ago and the planning board has an obligation to carry the laws of the town out, like them or not. We're not able to ignore what the law says, and if the law is not working it should be changed.

Mrs. Kimler said I get that but I don't know when they passed that law, whether they knew that they were going to have people where they were going to plop these things right next to their houses. When is the limit? How many of these are you going to put in? I think they belong in an industrial zone, I don't think they belong in a corn field by people's houses. People come to the Town of Montgomery now and you have Angry Orchard, not even a ½ mile from my house. People have come in, they just bought the bowling alley and they're making it beautiful up there. There's music and stuff for people. We get a lot of city people. I think that's going to change the landscape for Angry Orchard too. People want to come up from the city and enjoy the country, like the guy that's putting in this thing in the paper in Montgomery for the new wine place and stuff. They don't want to see solar panels. We have so little Town of Montgomery land that is nice looking. Why do you want to take that away? I don't understand, I think it's not looked at enough yet.

Member Kelly, Mam we share your concerns, the law was passed by the town board. One of the problems we have and I have a big problem personally is visible pollution. I don't think people in this town need to look at something like this everytime they drive by. I am personally very much in favor of solar for the advantages it brings to the property owner and to us generally in getting into the technicals of power generation and so on, but I also feel very strongly that it is our obligation to do the best job we can to have this fit into the area and having you sit in your house and look at it, to me I don't like that and I don't think anybody on the board really does. We're going to try and do our best when we get these to make them as acceptable as possible to people driving by and other people living in the area, such as yourself and I understand what you have over there. I think that's great, but you obviously don't want to look at this and we're going to do the best we can to make it fit in; we didn't make the law.

Mrs. Kimler said I don't think it belongs in residential agricultural zones, I think it belongs in an industrial zone.

Mr. Kelly said the town board made a decision and we're working with their decision. We don't make the laws, as our Chairman said, we have to work with the law.

Mrs. Kimler asked is it saying you can put these anywhere you want, in that law?

Mr. Kelly said basically, yes.

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Mrs. Kimler said I think it's a shame.

Mr. Kelly said then you should discuss this with the town board.

Mrs. Kimler said I'll be at the town board meeting.

Joan Buck Smith, audience, said I didn't come tonight to speak on this, but I did write a letter to the editor after your last meeting on this saying that this is the wrong board to complain to. The town board obviously needs to hear all these. Since you are obviously having problems with this law as it is written, did you not have a chance to give your opinion when the town board was making this law?

Chairman Reichle said yes we commented.

Ms. Smith asked did you comment that they shouldn't belong in every zone and every district?

Chairman Reichle said no, this is the 5<sup>th</sup> hearing we've had on the 5<sup>th</sup> different solar farm and these have been on other farms. There's one that has been in front of the ZBA and this is the first push back we've had on how they look and where they are and what happens. Until now we hadn't had this kind of discussion and I don't think anyone in the town or Orange County envisioned that our communities would be inundated with solar farms.

Ms. Smith asked since this is now happening, is it appropriate for your board to suggest to the town that you would like them to revisit the law? You can give them some of the complaints, some of the problems that you're facing from the community members. You're trying to apply the law that has been written, some of you don't agree with it and we have new board members.

Jonathan Reichle, audience, said this topic has been on the town board meeting agenda, it's been listed, so take a look at this solar law. I think the prime opportunity for you to voice a little of your concerns against it with some of the board members, would be very prudent and could be very productive.

Chairman Reichle said it would be good to see how we would want to change it. What suggestions would you have? We can ask, how would you want to change it, what would you want to do?

Mrs. Kimler said nobody wants it on top of their home, just like anyone of you sitting up there. You're not going to tell me how many feet it is from your house, 25-feet? Would any of you like to look at a solar farm 25-feet from your house? It doesn't belong on residential agricultural property.

Chariman Reichle said this would be the question, and it would have to be dealt with Deanne, but there again we have to think of the people who own the property also and what their intentions are and how they see keeping the property.

Mr. Warrington said he can still use it for agriculture or residential, just like everybody else that owns agriculture residential. None of his rights have been changed, that has always been there. You're trying to give him additional ones, that infringe on my rights.

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Chairman Reichle said the law does.

Mr. Warrington said that's the law, but that's the part that needs to be addressed.

Chairman Reichle said understand that in a good year he'll make 4 times as much per acre renting it for solar then he will farming it.

Mr. Warrington said if he could put a Walmart up there, he would make even more; it's not zoned for that because of the effect it has on us.

Chairman Reichle said unfortunately with the law he is zoned for that, that's where we're at.

Mrs. Kimler said Ingo put that up when he did it 25-years ago, the county would only let him do 4 pieces. He sold one to me, one on the otherside and he left himself with two across the street and one next door. His whole thing was that he was going to build it, subdivide it and do houses. It wasn't to put this up. I would have bought the field next to me if I thought it was going to be this, I don't care if there's houses over there.

Chairman Reichle said I realize that, but I don't know what he's thinking. I can only look at what we have in front of us, apply the law to it and have a discussion, that's all we can do.

Mrs. Kimler said I know that when you say he has to be able to do something with his property, he bought it with the intentions of having it for a home. I bought my 30-acres, I don't have to have that 30-acres, but I protected my house by having the 30-acres and I look at the deer and the turkeys and whatever's out there, but for me, if this goes through, I might as well call the solar farm company that want's my property and put my house on the market and put all my fields and put another solar farm over there too and you take a house that's the oldest house in the Town of Montgomery and you've just ruined it.

Chairman Reichle said I know it would be your right.

Mrs. Kimler said I feel like the Town of Montgomery went out of their way for this preservation of farmland act and making sure that you preserve the farmland and now they're going to stick this right next door to the oldest house in the Town of Montgomery; it doesn't make sense to me.

Ms. Smith said you mentioned that you should have a committee or you should get some discussion going. Will you tell the town board that you would like to have some kind of joint discussion or something, so that you can tell this audience that you will do something?

Chairman Reichle said it has to originate at the town board. They have to request some comment where we want it, we want to modify the law, but keep in mind we're in a public hearing process now, so anything that that modified, this may be grandfathered. There would have to be a grandfathering provision, so it may not amend anything that we have in front of us, keep that in mind even if we do go to modify the law, it's a possibility and probably a good one.

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Mrs. Kimler asked what is it 9-months this law has been in? I called the town board member, he got so irrate with me on the telephone and he told me that if I had a problem with it I should have came out 9-months ago and talk about it. Huh, go to a town board meeting.

Chairman Reichle said they put a notice in the paper and this is when we are doing the solar law and that's what they are required to do by law.

Mrs. Kimler said unless it effects me, I'm not coming out to a town board meeting. We voted these people in because we think they are going to take everyone's best interest at heart in the town.

Chairman Reichle said they're trying to do the best they can, they're not trying to stick it to anyone.

Mrs. Kimler said I think we can do better than this.

Ms. Smith asked you're saying that your board can not do or say anything to the town unless they ask you for comment? You can't say you're having a problem? There's a lot of residential concern over this law, can we discuss it? You can't say that?

Chairman Reichle said sure I can, I have.

Ms. Smith asked will you go to the town board about solar in general, not this gentleman's project because that would be grandfathererd?

Chairman Reichle said more than likely it would be.

Ms. Smith asked will you commit to asking the town board for some kind of discussion?

Chairman Reichle said sorry Joan, I'm not going to commit to anything right here verbally in the middle of a discussion, it's something that we need to discuss as a board before we move forward. Okay?

Ms. Smith asked will you discuss it as a board?

Chairman Reichle said yes, we will discuss it, I will commit to that. Yes, Jonathan.

Jonathan Reichle, audience, said I don't have an adjacent property, but I'm close enough that I can see it. To address Joan's comment a little bit, for her piece of mind, the Town Supervisor did sit in on the last town planning board meeting, that this was presented at. He is aware of the public outcry against this project personally. I would recommend if you have a real desire to bring change upon this with the town board, you should call him up and address him directly because he is very familiar with the project. As far as the actual project and comments on this particular project, are there any plans to screen it from the visibility line from Albany Post Road?

Mr. Doud said we have not.

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Mr. Reichle said because I would recommend that the same kind of visual study you do from 52, you conduct for the last ¾ of a mile on Albany Post as well, because this ridgeline is clearly visible even over the new greenhouse facility that is over there. This is well above the rooftop line on those structures and you can see clear as day right through to it and it's the better portion of what would be the westerlyside of your development.

Mr. Doud asked the glass on the greenhouses doesn't bother you, the solar is behind it.

Mr. Reichle said honestly the greenhouses maybe not quite as encroaching to the road as they are now, have been there as long as I've been alive almost, so they're kind of an accepted eyesore and in the defense of the property they are within the non-preserved boundaries of the preservation act for that property and it is agricultural in an agricultural district.

Chairman Reichle asked if anyone had anything else? Hearing from no one he asked the board if they had any comments?

Member Kelly said I would hope that we can get good screening for people driving 52. Jonathan brought up a good point. How do we do something for that that far away? I'm not sure on this property. I don't know the differences in height that he is referring to, but the gentleman, Mr. Warrington, you own just the house?

Mr. Warrington said I just own the 2-acres, yes.

Member Kelly said there needs to be some screening in here, if we come back here can they look right over the top of it where if it's close to the road, it would be much better.

A discussion was held on where the screening could be placed on the proposed project in comparison to the neighbor's houses and the road and the existing treeline, amongst Member Kelly, Mr. Doud, Mr. Albrecht and Mr. Warrington.

Chairman Reichle asked anyone else?

Member Montemarano said I don't know if anybody has brought this up, but this particular facility is going to be storing the solar power they generate in trailers, which are going to be on the road that runs out through the center of the property, which pretty much follows the ridgeline on the property. The trailers are going to be sitting up there on the top of the hill more or less. I'm wondering whether you can bring them down the hill towards the wetland or over the top of the crest so they're not so visible?

Mr. Albrecht said these right here in this location, this is the profile of the road, so they're in this location here at about Station 6, behind the high point of the road a little bit. I'm sure you've heard Marty or Mike tell you about the height, this particular container trailer, they're about 10-feet high.

Member Montemarano asked then you have some guirder like structures to carry conduction wires over the tops of the trailers?

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Chairman Reichle said it's underground.

Mr. Albrecht said everything inside the fencing is all underground.

A discussion was held on the location of the trailers in perspective to 52.

Chairman Reichle said they're 600-feet off of 52.

Mr. Albrecht said that's two football fields and it's a little over a football field length from the closest array to Mr. Warrington's house.

Chairman Reichle said the closest array to the right-of-way line of 52 is 246-feet.

Mr. Albrecht said correct and the furthest is probably 450.

Member McGuire said on the visual analysis, are these renderings representative of year 1 or year 5 or what we are looking at?

Mr. Doud said they're year one.

Member McGuire asked is there an anticipated timeframe for these to fill in and fill in the gaps and actually screen this?

Mr. Doud said there is and the landscape architect that the town has hired has outlined all of that, she talks about tree heights and maturing and how long they are going to grow.

Member McGuire asked do we know the timeframe that is on that?

Planner Dotson said the visual sections that were in the plans said 2 to 3 years.

Mr. Doud said I think the plants that we're buying are 2 to 3 years old; I'll have to confirm that.

Chairman Reichle said yes, the way that it's worded, it's 2 dash 3 year plant growth, post construction conditions.

Mrs. Kimler said I asked them today about the amount of solar panels back there and the amount of electricity that they are going to generate? Are the phone lines and telephone poles that are out in front of 52 now that run, one right on my frontyard, are those all going to be carrying this amount of electric through them?

Chairman Reichle said I don't think NYSEG is upgrading the wire. Are they? It's the existing system they will hook to?

Mr. Doud said there is about 2 and ½ miles to the site and the sub-station, which is located in the Village of Walden. There are sections of wire they may replace, but as a whole they're not replacing the wires on the poles.

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Mrs. Kimler asked how much electricity is going to be generated into that wiring and that's capable of holding that much electricity in the small poles that are by my house, or are you going to be erecting these giant electrical poles?

Mr. Doud said they're using the poles that are there today.

Mrs. Kimler asked are you going to be putting things on the ground to generate the electric? You put the electric into the ground? Does that affect the well water and the water and all of that stuff around?

Mr. Doud said there is no electric that we are putting in the ground, we are going to attach to the grid. There are telephone poles, utility poles along the edge of the road, we are going to attach to those. The poles are large enough and untouched and the wires are all going to be the same. There's a few pieces of equipment that the utility will put in along the way, that's all hung up on the poles and it's farther down the road.

Mrs. Kimler said you are going to plant flowers and trees to make it fit in. Why is the barb wire there? Is it from preventing children from going in there because it's dangerous?

Chairman Reichle said they are required by the state I believe to do it.

Mrs. Kimler asked what's it for?

Chairman Reichle said the state requires it to keep people out.

Mr. Albrecht said I don't know if the state requires barb wire, but I believe the 8 ½ feet that's required, is required by this town and we would be more than happy to eliminate the barbed wire if this board would waive the lower fence.

Chairman Reichle said I think it's chain linked.

Mr. Albrecht said it's chain linked with a foot and a half of barb wire on top. What's required by the actual Electric Code is 7-feet.

Mrs. Kimler said barb wire isn't friendly, you're going to make this with flowers and trees and then barb wire, that's not friendly.

Mr. Doud said the 8 ½ size is an inbetween size, the reason the barb wire is there is, it comes in standard size, it's at 7-foot and then the foot and a half of barb wire is to make it 8 ½ feet.

Mrs. Kimler asked to keep people out of there, correct?

Mr. Doud said a fence in general is to keep people out.

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Mrs. Kimler asked who from the town is going there to make sure that stuff is running, who checks and balances this now, once this gets put in? Who goes over there to make sure that stuff is Code and running along with the law?

Mr. Doud said when the system is constructed there are several people who run the system, there is a third party electrical inspector that will inspect it, the utility will inspect it, they do a commissioning test to make sure it's operational.

Mrs. Kimler asked who from the town inspects it?

Mr. Doud said the building inspector will oversee the construction of the unit and the DEC will...

Mrs. Kimler asked our building inspector that we have right now in the Town of Montgomery is knowledgeable on solar, electricity and what to inspect?

Chairman Reichle said he will inspect to make sure that it is built to plan, so that the equipment that they put in place is what they say they would put in place.

Mrs. Kimler asked who looks at them next year and the year after? No one right.

Mr. Doud said we go there once a year, we inspect the system, we monitor the system 24 by 7 and make sure it is operational. Our business is daily generating the power, it's in our best interest to maintain the system. Our revenue is tied to maintaining the system in top operation; it's ingrained in our business model.

Mr. Albrecht said it's no different than any other business.

Chairman Reichle said with the comments we received tonight from Mr. Warrington and the public, I think we could try to tighten this up a little bit.

Member Pennings said, Mike the trees that you're planning on putting on the site, within the first five years the trees die and they might need to be replaced.

Mr. Doud said it's in our Resolution to maintain the health of the plants for the lifetime of the project, I believe that's in there.

Planner Dotson said it's not only a requirement, it's a screening element that's required in our site plan approvals.

Chairman Reichle asked anyone else?

Member McGuire said I have a concern, we're looking at 11, at least I count 11 utility poles coming in off the new driveway and if there is anyway to reduce that somewhat to a more reasonable 3 to 4, but 11 poles is going to look like a baseball stadium or a football stadium.

Member Kelly asked did you say 11?

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Member McGuire said it's 11.

Member Kelly asked how come?

Mr. Doud said on this site there are batteries and the batteries fall under a different public service tariff and they have certain requirements for the batteries. Similar conversation we had with Albany Post Road. NYSEG ultimately determines how many poles and what the equipment is. We are still trying to work out what the equipment is going to be at Albany Post Road with NYSEG, but we don't determine the number of poles and the equipment has to be approved by NYSEG. Reclosures, Bill I think we talked about that before, NYSEG as a corporate entity has not approved pad mounted reclosures, so it's a piece of equipment that has to be on the pole.

Member Kelly said yes, but that's a reclosure, they usually have a metering pole and sometimes a riser pole.

Mr. Doud said there are 3 meters on this project. Again I'm glad to reduce the number of poles, we prefer not to have that many poles; poles are dictated by NYSEG.

Member Kelly asked once you get by the reclosure, can you have a riser pole go into metering and whatever else you need there and switch gear and then stay underground back? In other words, I know they need the reclosures up, because it's radio connection, so you put it in switch gear, they may have problems with it, but then you get to a riser pole and then you should be able to get down and go through 3 meters and it's one service. What's the purpose of 3 meters?

Mr. Doud said there's one meter to meter the solar, there's one meter to monitor the output of the batteries, and then there is one meter that measures both of those. Somehow NYSEG does the calculation to monitor by directional flow in all directions.

Member Kelly said I know the reclosure, that's done, they have to be in the air. Is there anything that can be accomplished with switch gear on the ground for all this metering?

Mr. Doud said I would like to say absolutely we can do that, it's not until the utility will approve that, it's part of their process. I can't tell you that, it's not written down in their legalese that says you can put this equipment, they dictate it after we pay the 75%. We paid the 75% at Albany Post Road, we still haven't gotten a project schedule out of them and we haven't had a site walk. They are overwhelmed by the amount of solar going in and they are trying to catch up as well and we're beholden to them.

A further discussion was held on the number of poles and their functions.

Member Brown said there are also two disconnect risers, right?

Mr. Doud said yes, there is a disconnect for the battery and a disconnect for solar.

Chairman Reichle handed Mr. Doud the board's consulting Planner's review. He asked anybody else? We have been on this for a while.

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Member McGuire asked the temporary construction lay down area, what's the proposed cover for that, is that going to be gravel or is it going to be a matting?

Mr. Albrecht said it's typically gravel, we will put gravel down and we'll have a temporary construction fence around it and then at the end of the construction period we'll remove the gravel, remove the fence and we will restore it back to the way it was. If it's a really a dry time of year, we'll just mow it and use it like that.

Chairman Reichle said we have a few things to look at yet. You're going to get something from DOT as far as the driveway. Are they okay with it where it is or do you have to check back with them?

Mr. Doud said we have to check back with them.

Chairman Reichle said okay, check back with them and maybe we'll get the driveway away from Dwight's a little more and some screening in there and we'll look at the trees and the visuals from Albany Post. We'll have you come back in in two weeks, the 24<sup>th</sup>.

Vice Chairman Beaumont motioned to ajourn the Borrego Solar Systems Public Hearing to September 24, 2018 at 8:00 p.m. or as soon as the matter can be heard, seconded by Member Pennings. All in favor, all ayes, motion carried.

Chariman Reichle said this will be everyone in this rooms notice that the hearing will be reconvened then, you will not get a notice in the mail. Thank you everybody.

84 Square Associates – Hawkins Drive – SEU Permit and Site Plan Review  
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Chairman Reichle opened the continuation of the 84 Square Associates Public Hearing.

Member Montemarano said being an adjoining property owner I have to recuse myself.

John Cappello, attorney for the applicant and with Jacobowitz and Gubits Law Firm said we are here tonight to reconvene the public hearing since the last meeting and I will let Ross go over in a little more detail the revisions we made to the plan, which weren't major, but addressed some of the concerns raised at the public hearing. The main one was the drainage plan and the SWPPP had been reviewed by your engineering consultant. He had a few comments and Ross had conversations back and forth with him to come up with a couple of additional measures to make sure the issue of any drainage impact potential on any of the neighboring property owners was adequately addressed. It was also discussed and committed that the retaining walls will be tiered to be able to provide some plantings. I know the lighting plan and cross sections were forwarded over to the board along with the cross sections we presented at the last meeting to show the lighting issues, so if there are any comments, we're here to address those.

Ross Winglovitz, P.E. with Engineering Properties said we did receive comments from Andrew. There were only 5 comments regarding the stormwater, we don't have a problem addressing any of those comments regarding infiltration rates and lowering the berm. I had a conversation with Andrew this morning about a concern he had in general about the potential of any kind of seepage here from the pond. We discussed the potential of an underdrain in the pond in case it was ever necessary we could drain the pond so there wouldn't be any issue with seepage. We don't expect there to be any, but he offered that as a back up to the design that we proposed. Regarding the retaining walls, the only one we're proposing to tier is this one up front. We circulated the figure earlier and it will be a two tiered wall that would leave us some landscaping space especially since it's right up against Hawkins Drive. We thought it would be more aesthetically pleasing, so we are proposing to have that as a two tiered wall.

Mr. Cappello said we also did speak to the Highway Superintendent regarding the sewerline.

Mr. Winglovitz said Andrew had a comment regarding the sewer crossing. I did meet with Charlie and he had no problem with the design as proposed.

Mr. Cappello said the only other item is we did have the hearing last Thursday with the town board on the water district extension, so they did call that hearing and the hearing is closed. They're waiting for the planning board to address SEQRA and then they can take action, both on the water district extension and the zone line clarification.

Chairman Reichle opened the hearing to the floor.

Joan Buck Smith, audience, said I did have a few comments. Mr. Cappello I believe you were either talking to me or you said it in your presentation last time about water coming out of the retention basins and coming across onto Goodwill. I believe you said Jack Hoeffner gave you permission that they could go into some kind of a drainage system over there?

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Mr. Cappello said no, there's a tape of the meeting. Ross is the engineer and Ross presented the Drainage Study, which was based on the full SWPPP analysis and engineering analysis. As I mentioned I'm an attorney, so I didn't mention anything about drainage, other than the drainage will go into the town system. There's a catch basin on Goodwill Road, that's where the water goes now, that's where the water will continue to go.

Ms. Smith asked the catch basin that is on the Goodwill property?

Mr. Cappello said no, Goodwill Road, that is part of the town system, that is part of the report that the professional engineer prepared and submitted to the town's professional engineer in a review and that's what he addressed in the comments. I would go over to Ross, if he has anything to add.

Ms. Smith said in my notes, you're the only one I spoke to on this, or you spoke to me on this and for some reason I wrote down that you said Jack Hoeffner gave permission that it could go across the street and he does have some kind of, but it's on his property on Goodwill Road. He had some kind of property that collects water and he probably uses it for irrigation, so my concern was if he said you could put your extra water in there, you're putting dirty water into something that would be used for irrigation purposes.

Mr. Cappello said first of all as Ross's prepared professional report, this whole system meets the DEC requirements, so any water leaving off the site is not dirty, that's the whole purpose of this whole plan. Then it will be retained, then what we do have is an easement to put these pipes along the southside, along this driveway here. Here's the catch basin on Goodwill Road, when it goes into the catch basin there will be no more water at peak, which is what the whole study has been. Then that water, which has been treated, which is where it goes now will go in there and then it will go across in its natural path where water is.

Ms. Smith asked will you point out where Goodwill Road turns on that map, it's hard to see from here? Where the stop sign is where Goodwill turns to go into the Village.

Mr. Winglovitz pointed out the location.

Ms. Smith asked the catch basin you're talking about, is that where the Vistamor has a little pond and their driveway and their sidewalk?

Mr. Winglovitz said no, that's further up there.

Ms. Smith asked there's something along the road where the water goes into?

Mr. Winglovitz said it currently goes where it is proposed.

Ms. Smith asked it's not just a ditch?

Mr. Winglovitz said correct.

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Ms. Smith asked you said the only place you were going to leave trees was on the bank side, that you were going to be cutting down all the rest of the trees behind the homes on Goodwill and I would like to know how many trees you are planning on cutting down because your plans show that you are only planting 4 deciduous trees on your property? If you said you are cutting them all down, I would imagine there are hundreds of trees there.

Mr. Winglovitz said it's mostly young growth, there's mature trees along this portion of the property that we are preserving at the very rear corner behind Mr. Montemarano's property. We are able to preserve there, the rest need to be removed as part of the construction and to be able to...

Ms. Smith asked do you know how many you are removing, that's what I'm asking?

Mr. Winglovitz said no.

Ms. Smith said I don't think you're supposed to take down every tree there is on the property. Have you counted the trees that you will be taking down?

Mr. Winglovitz said no, we did not.

Chairman Reichle asked what are they like?

Mr. Winglovitz said most of them are young growth.

Chairman Reichle asked a couple 3 inches is brush, right?

Mr. Winglovitz said yes, a lot of it is brushy, only along the edges.

Chairman Reichle asked those you're leaving along Rich's property, correct?

Mr. Winglovitz said yes.

Planner Dotson asked how young is young? The bigger ones are definitely in the area where they are preserving and that was one of the things we pushed on because there's an enormous tree there, one particular one.

Ms. Smith said if you're driving on Goodwill Road and you look behind the homes that are there right now, obviously it's all green because all the trees are in leaf, but there won't be any trees there when you're done because you said you are going to cut them all down and put in the ponds or whatever you have to put in.

Mr. Winglovitz said with the exception of this section here.

Ms. Smith asked that section doesn't show behind the homes on Goodwill Road, that's on the Hawkins Drive side, correct?

Mr. Winglovitz said no, it's on the Goodwill Road side.

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Ms. Smith said behind the hotel?

Mr. Winglovitz said behind the hotel, Mr. Montemarano's house, Mr. Balacich's.

Ms. Smith asked you are leaving behind Balacich's?

Mr. Winglovitz said yes, there's a whole section over here that we've shown.

Ms. Smith said you did say you were cutting down all of the trees and then when I looked on the plans, you are only planting four. It doesn't seem fair to only replace 4 trees for what you are cutting down. I didn't count them, obviously you didn't count them, so that will remain to be seen how many there are, but your plans say you were going to plant four. Behind your facility it looks like there is going to be parking or storage or something. Is it gravel or is it paved behind the facility?

Mr. Winglovitz said it's a paved area that will be screened with a fence in accordance with the Code.

Ms. Smith asked what are you planning on parking there?

Mr. Winglovitz said we'll use it for an area for truck maneuvering and potential outside storage for curtain walls.

Ms. Smith asked for what?

Mr. Winglovitz said curtain walls, what we're producing.

Ms. Smith asked outside storage? According to our Town Laws, storage is not allowed.

Mr. Winglovitz said absolutely is in accordance with the Zoning.

Mr. Cappello said we explained this at the last meeting, we've shown and we have closed the area. The area will be used only in those times when the building is full and for deliveries. I'll introduce Fergal Conefrey who is with the company that is developing it. It's only for when there is a temporary need to store sometimes outside, in the fenced area, that they will be stored outside. They don't like leaving them outside, the goal is to keep them all inside, but there will be sometime when there will be some outside storage. It would be in the fenced screened area.

Ms. Smith asked they would not be on trucks, they would be on those pallets?

Mr. Winglovitz said correct.

Fergal Conefrey, applicant, said like John said material is supposed to be stored inside. In the event that we need to move some trucks (inaudible).

Ms. Smith said contractor storage is not supposed to be allowed in B-4.

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Mr. Cappello said it's not contractor storage, it's accessory to the use of the flex building, multi-use building. I wouldn't call it a storage yard, it's just an area that's accessory to the building where there is some storage.

Ms. Smith said storage. My other question is looking at the plans, you said you would have big delivery trucks that are going to bring all this stuff up. They're coming off the docks in Jersey, you're driving them up because they are coming from Poland you said, you're importing your stuff, correct?

Mr. Winglovitz said correct.

Ms. Smith asked these big container trucks that are driving up to deliver to you, are you proposing a turning lane like you see at every other warehouse in this town? They made the trucks have a turning lane so that they do not have to come out into the opposing traffic to make their turn or they do not have to drive over the sidewalk that you're going to have to put in. It does not look like Hawkins Drive is wide enough to accommodate these big huge trucks that are going to come in here.

Mr. Winglovitz said Hawkins currently does accommodate those trucks for Shoprite everyday. I drove by one today, the same size truck will be visiting this facility.

Ms. Smith said you're on the otherside of the road.

Mr. Winglovitz said there is a turning analysis into the site as part of the project and the traffic study was done.

Chairman Reichle said we got the information this week on how they were addressing that.

Ms. Smith asked that it's okay, they can drive on the sidewalk and go into the opposite lane of traffic? I don't want to be driving from Shoprite and have this big huge truck coming in front of me.

Chairman Reichle said they had to demonstrate to us that they can do it, and they have, from their lane; they have the turning lane here.

Ms. Smith said it doesn't look like it on paper. My last comment is, this does not belong in this area, this is an industrial use, it should be either on Bracken Road or on County 99 where you have made all the other facilities go that are producing things in our town, instead of in the B-4 Zone, which is commercial. I can't see anybody from Montgomery going to buy one thing in their shop.

Richard Montemarano, audience, said the last sheet in the plan set is the landscape plan and at the northern end, the placement of the berm and the placement of the infiltration ponds are substantially different than the rest of the plans. I want to make sure that is not what you are going to be using for construction.

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Mr. Winglovitz said what Rich is referring to is the landscape plan that was last prepared in July. There's been some minor modifications to the site plan. We just received today comments from the landscape architect and we'll be addressing that and then making sure this is conforming to the current plan.

Member Montemarano asked the western slope goes down towards the bank, fairly steep, 45 degrees at least, how far do you have to clear to put in the footings that are going to support that 30-foot wall going up the side of the hill there?

Mr. Winglovitz said it's not a 30-foot wall, I think it's about 7-feet from...

Member Montemarano said I mean the height of the building, I'm talking about the height of the footings.

Mr. Winglovitz said the height of the building. The building will be excavated into grade, Rich, so I don't know there's an issue with the geotechnical, the geotechnical report was done. You're talking about the building wall itself?

Member Montemarano said yes, it's got to sit on the footings though. I'm just wondering how far out you are going to be cutting away trees to put a footing in? What's your limit of construction in order of clearing?

Mr. Winglovitz said we are clearing on this side right up to the property line. There is clearing necessary to construct the building that is right up to the property line and we are about double the setback required from the property line.

Member Montemarano asked your property line or the bank's property line?

Mr. Winglovitz said here's the bank's property line.

Member Montemarano said you're clearing the trees along that side of the property. You have almost an acre for parking material, or trailers, or I still don't know whether you're going to be parking some kind of construction material back there. First of all could you answer that, are you going to be parking diesel machinery?

Mr. Winglovitz said I think this was asked last month Rich and the answer was there is no intent to park machinery in there.

Member Montemarano asked it's just that picture we saw with those things that slide out of the containers?

Mr. Winglovitz said correct.

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Member Montemarano said you have close to an acre behind the building and I am wondering when they ship glass from Poland over to the site, I don't think they are going to be shipping two containers at a time on a ship. I'm not going to speculate on the numbers, but is there going to be a point when a ship comes in and they unload 50-trailers and stick them in the back there?

Mr. Winglovitz said when my ship comes in I'm out of here.

Member Montemarano asked I'm wondering when they unload a trailer are they going to have 50-containers that they are all going to bring up all at once to the site?

Mr. Cappello asked Mr. Conefrey to answer the question.

Mr. Conefrey said no, you may have two containers a day, maybe the most three. In fact we usually have two a day.

Member Montemarano asked they're not going to collect back there?

Mr. Conefrey said no, the containers have to get unloaded and sent back because there's a charge to keep a container, they're sent back to the shipping.

Member Montemarano asked they're not going to accumulate over a couple of weeks?

Mr. Conefrey said no, there is no reason to do that.

Member Montemarano said when I look at your site, it seems that you build 30 to 40 foot glass façade buildings, typically; when looking at the Tower site on the internet.

Mr. Conefrey said the website.

Member Montemarano said yes, it looks like you build 30 to 40 foot story glass facade buildings, it's fairly common for your company.

Mr. Conefrey said 40 would be an average, we're building up to a 72- story building by the Freedom Tower right now.

Member Montemarano said I'm trying to get an idea of how many trailers, or flatbeds of glass are going to be coming in and collecting there before they go back down to the city.

Mr. Conefrey said I think we said it's up to 3 trucks per day.

Mr. Winglovitz said John said 4 to 6 to be on the safe side.

Member Montemarano asked they're not going to accumulate when you get a shipment from Poland and it's got 50 - cases of glass on it?

84 Square Associates – Hawkins Drive – SEU Permit and Site Plan Review  
Continuation of the Public Hearing

Mr. Conefrey said it's not as if we back trucks into the warehouse, we want to have an overhead crane inside there.

Member Montemarano asked outside are you going to have cranes to get those glass rectangulars off the flatbeds?

Mr. Conefrey said a forklift will do that.

Member Montemarano asked is there any particular problem with the glue that you use to glue the aluminum edging onto the glass? Is there any particular problem that we need through a Safety Data Sheet to the board? Because 20,000 people come through that area shopping.

Mr. Conefrey said it's common you can buy it at any Home Depot store.

Member Montemarano said I understand it, it'll say use in well ventilated area. I'm asking if we need to see a Safety Material Data Sheet?

Mr. Winglovitz said we can provide one to the fire department.

Member Montemarano said you talked a bit about that you would be able to manufacture custom glass panels for private buildings or home owners?

Mr. Conefrey said yes, everything would come in pre-cut the same as those pieces you see here, there wouldn't be any cutting or welding. We're just snapping them together.

Member Montemarano asked if somebody came into your shop and said I'm putting up a small building I need 10 glass panels across the front of my building, you wouldn't cut them, you call Poland and have them cut it?

Mr. Conefrey said we call Poland and have them bring in the proper size, pieces and then assemble them here.

Member Montemarano asked is there any particular solvent that you would also be using for cleaning the glass off where the silicone adheres etc?

Mr. Conefrey said we have to use a solvent, I'm not sure what the name of the product is.

Member Montemarano said a lot of people pass through the area, not only the residences, there's not that many people there obviously, but there are a tremendous amount of people that come through Hawkins Drive daily.

Mr. Conefrey said there isn't any hazardous material.

Member Montemarano asked are you using acrylic at all for windows?

Mr. Conefrey said no.

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Member Montemarano said that's something that you can cut with a high speed saw. The houses along Goodwill Road, the deeds say that we own to the middle of the road, but that the town does own the road and the pipes that go under the road, but as far as the shoulders and such they are privately owned by the property owners along Goodwill Road. Your comment of using the overflow from the drainage infiltration ponds dump across the road to the northerside of Goodwill Road, and southside of Goodwill Road is privately owned property.

Mr. Winglovitz said there is a right-of-way width permitted under highway law that the town has the rights to use/maintain which is 49 ½ feet.

Chairman Reichle said it should be 50.

Attorney Hoyt said it's the traveled way on the road, so it's not always 49 ½.

Mr. Winglovitz said depending on what kind of the road, typically it's 49 ½ feet.

Member Montemarano said I can show you my deed it says that I own to the middle of the road.

Mr. Winglovitz said this will be connected to the existing roadside drainage system that is there, the cross culvert that goes across.

Member Montemarano said they're really using a system other than pipes that go under.

Mr. Cappello asked who owns the pipes, do you own the pipes in the road?

Member Montemarano said the town owns the pipes.

Mr. Cappello said we are conveying them to the pipes which is part of the road that the town uses, so whether it's 49 feet and I'm not trying to be argumentative, you either own it or you don't. The town takes it, the town maintains it, the town maintains the drainage system within there to which we're conveying. If you don't believe the town has the right to maintain it, then the first snowfall, we'll call you to plow Goodwill Road. If their plowing and their using, it's a town road, if they're conveying town drainage and they're using it, it's a town drainage system. Historically throughout the state there's deeds that people own along a town road; I get it.

Member Montemarano said Mr. Cappello you wound up on an entirely different subject, thank you.

Mr. Cappello said you just said we can't get the water into the town's drainage system and I'm trying to respond to your question.

Member Montemarano said I was trying to speak about, it seems like the large infiltration pond walls are only 4 - feet high now and I was wondering if there is any overflow and sheetflow down through, not necessarily my property, but my neighbor's properties to the west. It will be landing on the front of the properties before it reaches the pipes that go under the road.

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Mr. Montemarano - It will be flowing across their properties and I'm talking about contamination of wells perhaps with soil filling up their septic fields and with water and so they don't pump anymore with the sheetflow that runs down from the project.

Mr. Cappello said that was the purpose of the reports of the professional engineer who prepared an analysis according to the procedures and rules and regulations that the state has adopted to address the situation, which was submitted to your professional engineer, which he reviewed and commented on, which we have modified now to address those comments to make sure we meet those regulations because we don't want to have calls that your neighbors or you are flooded; that's not the purpose of this and that's why we designed it. If there are any specifics regarding that report we would be happy to address them, but we took it seriously and we prepared a full engineered SPDES according to the state standards to meet those guidelines to make sure that water is clean coming out of there, that we have detained and retained it, treated it and then released it in the manner as required by the state as reviewed by your engineer.

Member Montemarano said I understand that, SWPPP's are always required on these projects and I can tell you that I don't understand the construction SWPPP. As long as our engineer has thoroughly heard my concerns, I'm satisfied with the situation.

Ms. Smith asked I was wondering if they had any other plant or facility already in existence?

Mr. Conefrey said no we do not, this is the first. We have another warehouse which we rent in New Jersey. This will be the first construction one.

Ms. Smith asked could we see pictures of what they rent and what their outside yards and everything looks like?

Mr. Cappello said I don't know what the rules are or if this is relevant, it's in New Jersey. There are certain rules and regulations regarding what's done in New Jersey. We're telling you, this is what we're doing, we're showing you the building. We've shown the building, what's going to be there according to the Town of Montgomery's regulations. I don't know if we have pictures, but we're at a point where we have to move on.

Chairman Reichle said I believe they need to show us where they want to store anything outside and they've done that and they've shown us pictures of what it's going to look like, so this is what we have to go by. Anyone else? Hearing from no one he asked the board if they had any comments?

Member Pennings asked have you considered extending the sidewalk across the property?

Mr. Winglovitz said yes, we terminate at this end, so we've taken up where it currently ends just east of the property and extended it across the driveway to the south.

Member Brown III asked is it the entire length of the property Ross?

Mr. Winglovitz said yes.

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Continuation of the Public Hearing

Engineer Fetherston said Ross called me today, we spoke on what I thought was our last issue with the stormwater drainage and the resolution was something that's commonly done in these infiltration basins. We are going to have an underdrain valve that is normally closed. If there was any issues the valve could be opened and the discharge would go down the pipe as it's proposed now, but it could relieve any standing water if there was a problem; that was our final resolution. You gave me a comment response letter that was in the future, it said we're going to, we will...

Mr. Winglovitz said we will prepare a response to everybody's for the end of the week.

Engineer Fetherston said all I'm saying is I'm waiting for a plan that shows it, that's all.

Chairman Reichle said and a hard copy of the plans that show the minor changes that were made.

Mr. Winglovitz said the two tiered wall.

Chairman Reichle said with some landscaping.

Mr. Winglovitz said the landscaping, we're going to address Karen's comments and bring that up to date.

Ms. Smith said Mr. Reichle, I was wondering what the lot coverage is for this project, because according to your rule, lot coverage in B-4 Highway Commercial can only be 25% of the total area of the main building, of the whole property and looking at the picture it looks like it's way more than 25% of the property.

Chairman Reichle said they stated 24.9%

Ms. Smith said look at the picture.

Chairman Reichle said it's building coverage.

Engineer Fetherston said the definition is correct, the definition is the building is the coverage.

Chariman Reichle said it's not development coverage, it's building coverage.

Member Kelly asked I follow your sidewalk up to the curbcut, shouldn't it continue on down another few feet?

Mr. Winglovitz said it goes just past the return there. It calls out the handicap ramp on the otherside. There's this little odd finger here, we didn't carry it through there, this is really the only logical access point to this property. We didn't care to cross there because he is looking to sell that property and we're afraid that in a year from now they would just rip it up, because that's exactly where their driveway would have to go.

Member Kelly asked in other words that finger you don't own?

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Continuation of the Public Hearing

Mr. Winglovitz said we do own it, but they have a right of access across it.

Mr. Cappello said we own it, they have a cross easement right-of-way and if you look at the land, likely that's where they are going to have to come in and build a driveway to access that parcel.

Member Kelly asked if somebody develops that, do they have the right to put the sidewalk in the finger that they don't own?

Mr. Cappello said yes, and they have to come to you for the site plan and you could require that.

Mr. Winglovitz said the sidewalk would be in the right-of-way.

Mr. Montemarano said this is a question for our attorney. I know the town owns a 20-foot Conservation Easement along the bank property, didn't I hear something to that affect?

Mr. Winglovitz said there is Rich, on the bank's property a Conservation Easement behind the bank.

Mr. Montemarano asked that's not part of the slope or tree section?

Mr. Winglovitz said correct.

Mr. Montemarano asked has anybody thought of perhaps putting a row of arborvitae or something to decorate that wall? Customers of the bank will be looking at it.

Mr. Winglovitz said this wall here, this will be behind that preserved row of trees that are going to be there.

Mr. Montemarano said I thought you were cutting down to the property.

Mr. Winglovitz said no, those trees will be in front of that retaining wall.

Member McGuire asked have you come up with anything further in trash collection and storage? There's going to be paper and plastic and pallets along those lines.

Mr. Cappello said we'll show a screened area.

Mr. Winglovitz said a fenced in an area within the fenced area.

Chairman Reichle asked the aluminum comes from Poland, but the glass that is manufactured comes out of New Jersey somewhere, is that correct?

Mr. Conefrey said no there are several different sources, not necessarily Poland.

Member Kelly asked does any glass come out of Poland?

Mr. Conefrey said yes.

84 Square Associates – Hawkins Drive – SEU Permit and Site Plan Review  
Continuation of the Public Hearing

Member Kelly said I thought most of it did, but evidently not.

Mr. Conefrey said the guardian glass is manufactured in England.

Chairman Reichle said okay, you have some comments to address.

Mr. Winglovitz said we would respectfully ask that the public hearing be closed at this point since there aren't any new comments from the public and the majority of the technical comments have been addressed. At least verbally, there's nothing significantly outstanding so that we could look towards wrapping this up at the next meeting.

Chairman Reichle said we could do it all at the next meeting maybe, if we get our comments timely, you address them and get them back to us. I would like everything to be in for the record, it would be nice to have all these comments addressed first. there are some things that we do need to get cleared up. I don't think there would be any harm and then we will see where we are at the next meeting, but we can have you on the agenda on the 24<sup>th</sup>, say 8:05. Can I have a motion to extend this hearing?

Member Pennings motioned to adjourn the 84 Square Associates Public Hearing to September 24, 2018 at 8:05 p.m. or as soon as the matter can be heard, seconded by Member Kelly. All in favor, all ayes, motion carried.

Chairman Reichle said this will be the public's notice, you won't get a formal one. We will reconvene this hearing at that date, thank you.

ARCO Leonard Drive – Leonards Drive (Formerly Bracken 42, LLC)  
SEU Permit/Site Plan Review – Continuation of the Public Hearing

Chairman Reichle opened the continuation of the ARCO Leonard Drive Public Hearing.

George Cronk, P.E. with the Chazen Companies and for the applicant said one of the topics from the last public hearing session was the archeological sensitive area. In connection with the town as well as the state we are looking to finalize the Restrictive Covenant for that particular area and we are preparing an attachment for defining the area by deed. We contacted the state as well and they are fine with what we are doing. They do ask that they receive a copy of the final filed copy.

A discussion was held on the landscaping and screening around the site.

Mr. Cronk said on Karen's review she doesn't have a specific location she would like some additional screening, but if we could agree upon a number of trees to include because 84 is elevated along there. Until the construction is laid out, it's difficult to understand what trees are still remaining. There are some very dense areas that you can't see traffic through the trees, but there are some areas you can.

Chairman Reichle said you could start with Karen, just ask her. You talk about your bio-retention area and ask her, what are you looking for along 84 because it is elevated, she may not realize that.

Mr. Cronk said we did make a full submission of everything last week.

Engineer Featherston said we're in a good place, the only other thing that we looked at was the water test, they submitted the water sample. The only thing that came high was sodium, which is common throughout the town.

Mr. Cronk said it was high, but it is not an untreatable high level, so we are putting in a UV treatment on the system; it is considered a public water system.

Planner Dotson asked does this also include the language that OPRHP wanted? Because they had some specific language that they had referenced.

Mr. Cronk said my understanding is yes.

Attorney Hoyt said I put it in the revised Covenant, they want fencing, they want signage. I took that out of their email and put it in.

Mr. Cronk said on the plan in the resubmission there is a post and rail fencing that runs in the areas that are not the wetlands and there are signs that have been placed along there with the information that they asked for.

Chairman Reichle opened the hearing to the floor for comment or question. Hearing from no one, he asked the board if they had any comments? Hearing from no one he said hopefully we hear from the County Planning real soon and we have your recent submission to look at.

Attorney Hoyt asked is Pure Development the record owner?

ARCO Leonard Drive – Leonards Drive (Formerly Bracken 42, LLC)  
SEU Permit/Site Plan Review – Continuation of the Public Hearing

Mr. Cronk said that is my understanding.

Attorney Hoyt said we need to nail that down because that Covenant has to be signed by the record owner and not a builder or contractor.

Chariman Reichle said we can reconvene this hearing on September 24<sup>th</sup> and this would be the public's notice of this.

Member Pennings motioned to adjourn the ARCO Leonard Drive Public Hearing to September 24, 2018 at 8:10 p.m., seconded by Member Brown III. All in favor, all ayes, motion carried.

Jeslin Orange, LLC – Ridge Road – SEU Permit/Site Plan – Presentation

John Bodendorf, P.E. with Hudson Land Design and Ira Conklin, owner/applicant presented the proposed project

Mr. Bodendorf said the subject parcel is located on Ridge Road just north of I84, it's a little under 75 acres total and Ridge Road divides the parcel. There is a little over 40 acres on the westside of Ridge Road that would remain undeveloped and the balance of the parcel which is where the development would occur is approximately 33 acres. The development will entail the construction of a 15,000 SF building, 12,000 of which will be dedicated to equipment, storage and the remaining 3,000 SF would be dedicated to office space. There is also as part of the project, the applicant is looking to fill the developable area to bring the site up, primarily because he needs a place to get rid of his clean fill from his hydro-vac business. We've already developed a SWPPP for stormwater management, we also submitted a habitat study and a Phase IA and B Archeological Study. We believe the application is complete and we were looking to have the circulation process begin through SEQRA.

Chairman Reichle asked you mentioned that the fill that you would be bringing in is clean fill from the process, could you explain the process how this is developed, how the fill gets here?

Ira Conklin, applicant said since 2003 I've been operating hydro-vac excavating and you agitate the soil with high pressure low volume water to create a mud and then you vacuum the mud up and we mostly work for Central Hudson and Orange and Rockland.

Chairman Reichle said putting in poles?

Mr. Conklin said putting utility poles and working around their gas and service lines.

Chairman Reichle asked because the hydro-vac is safer than running a big auger into the ground?

Mr. Conklin said yes.

Vice Chairman Beaumont asked how do you explain the use of water on the site to make your fill?

Mr. Conklin said there's usually a pit about 30' wide tapered down to maybe 8 or 10 feet deep and the material settles there and we usually have two of those going and as it dries up you use an excavator and you pile it up and it dries some more. It takes about 4-weeks total to get dry and then from there we can take and place it and put where we want to for fill.

Vice Chairman Beaumont asked does the water just evaporate?

Mr. Conklin said it saturates into the ground and it evaporates too, once it's above.

Vice Chairman Beaumont asked if it would be like an infiltration basin?

Mr. Bodendorf said yes, the Stormwater Management Plan and the SWPPP addresses all that. There will be wells to bring the water to the infiltration basin and anything that would not percolate into the ground.

Jeslin Orange, LLC – Ridge Road – SEU Permit/Site Plan – Presentation

Vice Chairman Beaumont said ideally it is what is defined in the soils. If your dealing with clay soils out of a hole for the poles and then your going to be bringing the clay soils over here, that tends to gum up the works if your trying to do infiltration.

Mr. Conklin said we bring in the maximum we can carry in a truck, it would be 10-yards and out of that 10-yards is probably 3-yards of actual material, the rest is water and we bring in a variety. We've been doing it for several years on other pieces that we have and we've never really had a problem with this, this seems to work pretty well. A lot of times we are working over top of lines that have already been installed, so it's usually a processed material, Item 4 compacted up with stone around the pipe on the gas side of it and on the utility poles it's normal bankrun material that we find.

Vice Chairman Beaumont asked new poles usually or replacing poles?

Mr. Conklin said usually it's replacing poles that have damage or have risers going up on them where we excavate back on the risers and put the pole right next to where the other one was.

Member Brown III asked do you typically find anything with the older poles being creosoted or anything like that, residuals in the soils, is it tested in anyway?

Mr. Conklin said no it's not.

Member McGuire asked are you excavating on any Central Hudson or Orange and Rockland sites that are clean up sites or brownfields? I know they own several of those.

Mr. Conklin said no, we don't do that. We don't take any material off site, we're not permitted to carry any contaminated material and we have a contingency plan with the utility companies if we've encountered it and dug down and something happened and you found petroleum in the ground, we stop and then they have their clean-up contractor come in and back off our truck and decontaminate our truck and we've never have that happen since 2003.

Member Kelly said John, on the lighting plan, I would suggest you call our office and obtain from Sue our lighting notes, that will be on it's own sheet, no landscaping. Of course with the lighting schedule and the illumination information. The lighting notes will spell that out for you and you can mail that to me.

Member Montemarano asked getting rid of the fill that you generate after you dewater the soil that you collect, how do you go about selling that?

Mr. Conklin said we don't sell it, we use it for beneficial use to fill in a property. Our material is too wet for them to use right away, sometimes we use Central Hudson in Kingston, they have their own dump site where we will dump at. Poughkeepsie's dump site is now filled so we use ours for that and we have people now who are filling in their property that allow us to have our settlement ponds and then we dry the material and they use it for their fill and that's what I want to do on this property.

Chairman Reichle asked does the DEC monitor this somehow? Do they come see the pond once in a while?

Jeslin Orange, LLC – Ridge Road – SEU Permit/Site Plan – Presentation

Mr. Conklin said right now they do. We really haven't gone through that step yet with them, whatever they're going to ask me to do; we'll have to comply with that.

Attorney Hoyt said you have two parcels attached to your SEU application, one is 76.1, which I think is the piece between you and Andy ?

Mr. Conklin said the parcel in total is 76.

Attorney Hoyt said I get that, I'm talking about the piece south of you, you've got that described in your application an identified as Lot 76.1, which is now formerly lands of Felizzi and I didn't know why that was included in your application.

Mr. Conklin said it is not, that's the piece I was going to buy and we did all the studies on that and then as I got in the middle of it and seen that we weren't going to be able to have enough room for the septic and the building and everything else and I put an offer on the piece that we're on.

Attorney Hoyt said so that's a hold over that should be out of it, thank you.

Member Pennings said Matt Hunt, Chief of the Coldenham Fire Department would like to talk to you about your project, I have his contact information.

Member Brown III asked do you have other sites that you're currently using with this work?

Mr. Conklin said as far as dumping, yes, they're both in New Windsor.

Member McGuire asked what's the expected hours of operation?

Mr. Conklin said we start at 7 in the morning and the guys get in between 3 and 5 at night. We are on emergency call if there's a big storm or something, we work whatever hours the utilities work. It's usually a 24-hour shift in those cases. This last year we had two of them, but normally it's 7 a.m. to 3 p.m.

Member McGuire asked what kind of equipment are you going to have in there, just the hydro-vacs, or are you going to have additional excavation equipment?

Mr. Conklin said yes, we own traditional excavation equipment and hydro-vacs.

Member McGuire asked do you have a low-boy to deliver them with?

Mr. Conklin said we have a 20-ton trailer and I own a tank lining business and that truck will be there also and that's a tractor trailer.

Member McGuire said the reason I was asking that is because with the entrance I wasn't sure what the width of Ridge Road was in that area to be able to turn in there adequately.

Mr. Conklin said we have a vision of having stonewalls and then a berm along the road, so we're going to have to make it wide enough to accommodate that.

Jeslin Orange, LLC – Ridge Road – SEU Permit/Site Plan – Presentation

Member Pennings asked Monday through Friday will be your hours of operation?

Mr. Conklin said normal Monday through Friday, emergency work could be the weekends.

Attorney Hoyt said I heard the state is expanding it's Part 360 solidwaste regulations to things like roadside ditching. Would Part 360 apply to anything that you do?

Mr. Conklin said I don't believe so, no.

Attorney Hoyt said because that's important in our Zoning, we get into recycling and a whole different use category. I want to make sure that we get off on the right track here. Will we be circulating to DEC, are they going to be an involved agency or at least interested?

Chairman Reichle and Planner Dotson said yes.

Mr. Bodendorf said we did have some preliminary discussions with them, so they may be expecting to see this come from you guys and Part 360 never came up in those conversations.

Attorney Hoyt said it's kind of a big thing, because it's fairly new. Municipalities used to scrape the stuff out of the roadside ditch and just take it to the highway barn and dump it, and I think those days are over.

Member Kelly motioned for the planning board to notice its intent to be Lead Agency for the Jeslin Orange, LLC application, seconded by Vice Chairman Beaumont. All in favor, all ayes, motion carried.

Walden United Methodist Church – 1206 NYS Rte. 52 – SEU Permit/Site Plan – Presentation

Thomas Olley, P.E. presented the application for the applicant. He said a few years ago the Walden United Methodist Church acquired the former Nikko Foods property, this is on the westside of TCT, Tommy's Towing. They have about 8.2 acres of land, and I'm sure you are all aware that the church sold the building and parsonage on West Main Street in Walden and the intent is to build a small church on this property. The building will be about 3,500 SF. He displayed a rendering of the building elevations. It will be approximately 40 feet front to back and about 80 or 90 feet long. It will be a wood framed building, single-story, slab on grade and we worked very hard to do it all inside of an acre to avoid the stormwater regulations, to minimize the cost, because it is a small congregation that needs to foot the bill for this. We will be using the existing driveway location that was built about 15-years ago, we will restripe some of the parking that is there and we will insert a new driveway and a parking lot for the church itself. As your looking at this, the left half is the sanctuary, the right half is the fellowship hall where there will be a couple of classrooms for Sunday School religious education. There will be a multi-purpose room, a small kitchen associated with that and then the center part will be the vestibule, public restrooms, and mechanical room. The house that's on the property now is currently used as the parsonage and the building that was converted to an office back in that old application will continue to be an office for the pastor. We will be requesting of the board to allow us to do shadow parking for 12-spaces and I've included that in the potential disturbance area so we make sure we are under that one acre. It will have a private well and a individual septic system.

Member Montemarano asked the residential property, the little triangle to the northeast, are you just going to leave that zoned as it is?

Mr. Olley said yes, the church is a permitted use with a Special Exception Use Permit in both zones. The only condition that we have that goes with the SEU is that there's a greater restriction on the lot coverage, but also we have to be 50-feet from any of the property lines with the building and we meet that with that separation for that property also, not by design but coincidence, so that will remain RA-.5.

Member Kelly said it sits up there very nicely, you get a nice view coming into Walden.

Member Montemarano asked you're getting the acre from the sawed off square where the buildings and parking are?

Mr. Olley said this area including the septic system area and back in here because this is already paved, so we're not doing any disturbance associated with that.

Attorney Hoyt asked do you have 50-feet from the B-4, RA-.5 line to the corner of the building?

Mr. Olley said I believe that we do.

Attorney Hoyt said it's close and I hope that you have it because I'm not sure that transitional yard can be waived.

Mr. Olley said it's 44 right now, but we can probably kick it over.

Planner Dotson said it's allowed in each zone.

Walden United Methodist Church – 1206 NYS Rte. 52 – SEU Permit/Site Plan – Presentation

Attorney Hoyt said I understand the use is allowed in each zone, but the transitional yard requirements don't give you that loophole, that if the use is allowed in either zone you don't need to. I looked in there to see if it was waivable, and I didn't see it and I wish it were. You already outlined in the application that a church can go in either zone, but I guess the Code doesn't always think it's always going to be a church. This is another case where the zone line doesn't follow a property line. Is that going to cause a big site plan reconfiguration to find 6-feet?

Mr. Olley said we'll take a look and see what we can do with that.

Attorney Hoyt said I think you could get some relief from the ZBA on it, unless someone can find where it's waiveable. Section 90-90-10.10 doesn't talk about the uses, it says if you're in a commercial zone and your butting up against a residential.

Planner Dotson said it's not a commercial use, it's a community.

Attorney Hoyt said it talks about zoning, specific, if you're in the B-4 it's 50-feet.

Mr. Olley said I'll take a look at that also, because it's a transitional zone to the property.

Attorney Hoyt said it's a benefit to residential, it's really designed to protect the residential. It requires the commercial zoned property to create this set back on his or her land, to protect the residential.

Mr. Olley said I'll take a look at it again, but I'm questioning whether it is to the property line of the properties in the residential property, that adjoining owner verses the applicant, rather than to the zone line.

Attorney Hoyt said I'm pretty sure it's the line itself without regard to where the lot line is. I can continue the discussion with you after this evening.

Engineer Fetherston said you saw it I'm sure the existing well proximity to that existing septic, that is really close. Is there any treatment inside the existing building, any issues with that?

Mr. Olley said the water's been tested and there's a water softner, but no coliform has been shown.

Mr. Olley said no treatment. Back when this was reviewed in 2003, we identified a reserve area for the septic system to meet that separation should this fail or become a problem later and we've honored that. The owner made sure we didn't do anything with our development that would impact that.

Engineer Fetherston asked where is the proposed well and the proposed pavement, the proposed disturbance? I don't know what the yield is of that proposed well. Would there be any thought to have that well feed both buildings? If there was an issue, it would save you from rebuilding a septic system.

Walden United Methodist Church – 1206 NYS Rte. 52 – SEU Permit/Site Plan – Presentation

Mr. Olley said that's possible maybe, the water usage at the church and the parsonage, neither one are very great, so I'm certain that that well if needed in the future could accommodate that and what they could do is just throw a conduit under the driveway that could be accessed later on, that's probably a pretty good idea.

Member Brown III asked will the utilities go from the existing point?

Mr. Olley said I'm not sure what they will come off.

Member Brown III asked are you expecting it will be underground service?

Mr. Olley said yes.

A discussion was held on where the power comes from, amount of service needed and if a notice of intent was needed.

Mr. Olley said the health department generally doesn't get involved for a church. It doesn't fall under a public water supply, unless you put a day care center in or something like that. We're under 1,000 gallons on the septic system, so it's not a SPDES.

Attorney Hoyt said the next section below the section I cited talks about fencing and screening and there it refers to properties lines. The section I was referring to only talks about the zoning line. Whether the two can be read together or not, is perhaps the question.

Chairman Reichle said we'll resolve that and then we'll get it to Orange County Planning. Thank you.

915 Route 17K LLC (Skibitsky/Magurno) – 915 & 917 State Route 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision – Presentation

Lawrence Marshall, P.E. with Mercurio, Norton, Tarolli, Marshall was present with Joseph Alesso, applicant. Mr. Marshall said this is a two-part application, the first part being a 3-lot subdivision. It does contain a capped C&D landfill that is currently being monitored by DEC. There are monitoring wells on the parcel, and there's a monitoring plan where the wells are tested for contamination. All of the levels in the contaminate are acceptable, below the regulated limits so the landfill is not too much of a concern. The proposed lots will range in size from 5-acres up to just under 7-acres in size. The 7-acre parcel, Lot 3 will contain the C&D landfill. We bound the limits of Lots 1 and 3 with the edge of the remediation area. The remaining lots, Lots 1 and 2 are the primary focus of this application. We have them with potential warehouse buildings, just under 60,000 SF and just under 74,000 SF. Lot 3 with the C&D landfill is proposed to house a small office building. We do propose access off of 17K, but our primary access will be off of Bracken Road, not sure how much DOT will provide us as far as access, but that's a discussion to be had at a later date. As far as water and sewer, sewer we are in the district and we propose to connect to the existing sewer pump station that's located on the northwesterly corner of the property, right across from Lake Vue Drive. We do show a well on the parcel that will serve the 3 proposed buildings and we have had that reviewed and conceptually approved by the Department of Health; although that's not the desire to serve this development. The applicant has had preliminary discussion with the town regarding the potential of connecting to the Lake Vue Water system, but that was only a very preliminary discussion, the desire is to make that connection. These aren't large water users, they're not restaurants or schools, they're warehouses, relatively low in water use, so we don't need a great deal of water. We just need potable water, so the options are either develop a water supply and regulate it, disinfect it and treat it in accordance with health regulations or connect to the Lake Vue system if we can make that agreement. The two larger buildings will require fire suppression systems, we do propose to extend the existing high-pressure waterline that's on Bracken Road down and serve these two buildings.

Member Montemarano said I sat in on the preliminary meeting and part of the water discussion was having the well perhaps on one of your parcels because Lake Vue water quantity is there, but the quality is poor. I know we're highly speculative at this point, so I won't ask any further. I'm asking only if you have had any further discussions?

Mr. Marshall said I'm not sure the question you're asking Rich. Can you clarify?

Member Montemarano said you were talking about connecting to the Lake Vue Water system and they have quantity, but their quality is very poor and there was a little bit of discussion about perhaps having the water coming from one of your parcels over to Lake Vue. I was asking if there was any further discussion?

Mr. Marshall said I'm not sure, my recollection is a little bit different, that may have been mentioned, but that is really not feasible given the constraints from New York State regarding public water supplies. Specific waivers would have to be granted in order to have it a public water supply within 300 feet of a capped C&D landfill, so that negates a majority of this property and then in addition to that a public water supply would have to be turned over to the Town of Montgomery in that regard and they require a 100-foot ownership radius around that well. Those two combined limit the potential for us to develop a water supply on this parcel, but again there's some discussions about making some sort of agreement to help the Lake Vue water system.

915 Route 17K LLC (Skibitsky/Magurno) – 915 & 917 State Route 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision – Presentation

Mr. Marshall - There are potential well sites located in much closer proximity to the existing Lake Vue well and treatment system that may be a little bit more feasible and cost effective serving that way as opposed to putting a water well all the way on this end because it would require a separate treatment.

Member Montemarano asked as your coming out of Bracken Road if you want to turn in either direction you have to look over your left shoulder at the traffic coming from the west on 17K, can you relieve the sight distance at that corner?

Chairman Reichle said the sight distance going that way is fine, it's going east that is bad. You have to turn your head to look to the left, that's all.

Attorney Hoyt said it's going to be hard to send all of this traffic from Bracken to 208, isn't it? Most of the development along Bracken, to try and get the traffic to not go to this pretty bad intersection, especially with a trailer heading east. We've never had a project so close to this intersection, it's going to be difficult, something to think about, not to be resolved tonight.

Mr. Marshall asked as far as directing the traffic?

Attorney Hoyt said most of the approvals that have come on this corridor, we've said to the people you really have to come out of your site and turn left or if you're on this side of the road turn right, go that way and don't go up there, especially if you're trying to go to Newburgh with a tractor trailer.

Mr. Marshall said that's a discussion that we've had internally multiple times regarding specifically this intersection and making a right hand turn, even a left hand turn, traffic coming from the east to the west don't have a great deal of sight distance in that direction. All the traffic from these two buildings, from a perspective of travel time, there's no time saving to try and make a right out of Bracken Road onto 17K to get on to 87 or 84, it's just as easy to go down Bracken Road and 208. If there are modifications to the entrances or there is simple signage that can be managed, we're not opposed to that.

Attorney Hoyt asked who would buy Lot 3 with a landfill, a wetland and a buffer? I appreciate you showed a small office building, but I think this board has an obligation not to create lots that either don't work or are going to be walked away from. If I were an owner I'd love Lot's 1 and 2 and I'd run from Lot 3 as fast as I could and the way it's being laid out, it's almost like the board is buying into that and not for anyone to respond tonight, just my first observation.

Mr. Marshall said regarding Lot 3, the Skibitsky, Magurno family is intending to retain that, the applicant this evening is proposed to buy only Lots 1 and 2. There hasn't been a reasonable amount of interest into the C&D landfill area. It can be utilized, the cap cannot be penetrated. There are applications that can be put on that area. I didn't want to mention it given how much time was spent earlier in the evening and how late it is.

Attorney Hoyt said maybe you can develop that through the review process.

915 Route 17K LLC (Skibitsky/Magurno) – 915 & 917 State Route 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision – Presentation

Chairman Reichle said I didn't know if a wide commercial driveway straddling that boundary line between Lot 2 and Lot 3 in a spot where you have great sight distance would alleviate some of the traffic problems to get commercial traffic out to 17K.

Mr. Marshall said that's a discussion we have had about having a full access off of 17K, that's the desire of the applicant to have a full access, a wide entrance off of there. We showed it in the location we did because it avoids the guide rail, but certainly we can slide that.

Chairman Reichle said you could be as much as 400-feet away from Bracken Road, and at least your heavy traffic, if DOT would allow it, it may be possible they could go that way.

Mr. Marshall said DOT is our next step for developing this plan and get DOT out on this site to discuss the entrance off of 17K and what they would possibly permit us to do.

A discussion was held on the proposed grading of the site.

Member Pennings said Larry, Matthew Hunt, Coldenham Fire Chief would like to speak to you about the site.

Chairman Reichle handed Mr. Marshall the board's Planning Consultant's review.

Autumn Sky Development Co. INC. – North Drury Lane  
SEU Permit/Site Plan & Two-lot Subdivision – Discussion

Michael Morgante, P.E. with Arden Consulting Engineers and Steven Michlechx, applicant were present.

Mr. Morgante said last time we were here before the board we had received some comments from the consultants, we provided a written response letter regarding those. He then reviewed the board's consultant's comments and said I thought we had originally needed a variance for the lot width as it fronts on 17K. Mr. Hoyt brought up Section 90-20 of the Code which talks about the width that must connect to the road that must be usable. We interpreted that and looked at that and we have more than a 40 foot of width here if this parcel were to access 17K and it would be easier for this parcel to access onto 17K. The issue I foresee is having this restricted access on this side of the Dunkin Donuts parcel that would preclude us from working with DOT to establish another entrance right here, when reasonably we can have a joint access off of North Drury Lane. That was something that the board was going to take a look at and weigh in on with me so we can establish if the site layout before the board seems acceptable. We'd like to have some type of immediate conceptual approval tonight and consider circulating this project for lead agency and start putting more engineering detailed plans together.

Planner Dotson said I thought that was where we were going, that when we did the subdivision we deliberately left that short because we didn't want it to be used as the access. I agree with you that you have better theoretical access there and I know it could be buildable, but I don't know if that necessarily means that you must be able to get every single permit that you would need if you were to use it. In other words I would not make you go to DOT and seek a permit for that because we don't want you going there. The whole reason for going out this way is you have frontage there, but you can take access through a shared commercial access. You're not driving through anybody's parking lot, so that's the way I have been looking at it. I guess I should have made my reasoning more transparent from the beginning.

Mr. Morgante said what I am trying to say is we could meet that section of the code, it just may not be practical with this particular situation.

Planner Dotson said I don't think it's viable from a public safety standpoint. My reasoning is this was what we were thinking to begin with and that was why we shorted you on the lot width there because we didn't want you use that, but we knew it was a feature. I know that initially you had been looking and we discussed the idea of having the drive shared with Dunkin Donuts. I think it's a much better thing to have it to the north.

Vice Chairman Beaumont asked is that a big wetland crossing Mike?

Mr. Morgante said yes, this section where we are crossing is calculated at about a little over 3,300 SF. We're below 1/10<sup>th</sup> of an acre, we should be able to use a nationwide permit and do that. As I tighten up the design I'll see if I can pull even those little spots back, but everything added up together we don't exceed 4,000.

Member Pennings asked Mike, have you contacted Matt Hunt from the Coldenham Fire Department? He might want to talk to you about the big building having access to all four sides.

Autumn Sky Development Co. INC. – North Drury Lane  
SEU Permit/Site Plan & Two-lot Subdivision – Discussion

Mr. Morgante said no, but I can.

Member Montemarano asked financial wise does it make any sense getting together with Dunkin Donuts to take advantage of that curb we left in Drury Lane so you come out across from South Drury?

Mr. Morgante asked are you talking about here?

Member Montemarano said we left a curve coming down North Drury out to 17K so it lines up with South Drury and for the purpose of putting a light there so you could get across South Drury.

Mr. Morgante said that was for realignment and we've taken care of that with the Dunkin application, we allotted you this area.

Member Kelly said in the future that will help that intersection greatly, that's why the top looks better to me than to try and get another entrance out on 17K.

Member Pennings said if you put that driveway there the tractor trailers won't be able to park there and go to Valero.

Mr. Morgante said it makes more sense to have the access point as far to the north as possible.

Member Montemarano said I agree, I didn't know if it makes sense to take advantage of that curve on North Drury, than crossing 17K.

Member Morgante said the only way we would be able to take advantage of this is if it were ever constructed to come out here and make a right hand turn and when it's realigned we'd actually utilize it. I don't know if the applicant, either one, is going to be interested in building that. I don't think that would make any or either one of those projects financeable feasible.

Member Montemarano said that was my question whether it would be too expensive to consider.

Mr. Morgante said I would imagine it would be, that's not a small undertaking.

Vice Chairman Beaumont asked if you have owners for both of these?

Mr. Morgante said no, right now the applicant/owner doesn't have anybody, not yet.

Attorney Hoyt said because the site is under 10-acres of disturbance the Unlisted is tougher for the board because you could deem it important enough to coordinate review, a Type I you have to, when it's Unlisted it's up to you.

A discussion was held if the board wanted to coordinate review.

Mr. Morgante said there's enough interested agencies, so you probably should.

Autumn Sky Development Co. INC. – North Drury Lane  
SEU Permit/Site Plan & Two-lot Subdivision – Discussion

Member Montemarano motioned for the planning board to notice its intent to be lead agency for the Autumn Sky Development Co. INC., located on North Drury Lane, seconded by Member McGuire. All in favor, all ayes, motion carried.

Pruschki/Mosher – Valley View Phase III – Mills Road  
Six-lot Major Residential Subdivision with a Lot Line Change  
Recommendation of the Road Bond Reduction Estimate to the Town Board

Chairman Reichle is recused because he is an adjoining land owner.

Vice Chairman Beaumont chaired this portion of the meeting and said we have the reduced bond estimate for Prushcki/Mosher, Valley View Phase III on Mills Road. Do I have a motion to send the bond assessment to the town board?

Member Montemarano motioned to recommend the Prushcki/Mosher Road Bond Reduction Estimate to the Town Board, seconded by Member Kelly. All in favor, all ayes, Chairman Reichle as recused, motion carried.

Bluewater Industrial Partners LLC – Project Sailfish – NYS Rte. 17K & 747  
SEU Permit/Site Plan – Area Variance Request  
Recommendation to Zoning Board of Appeals for Sept. 17, 2018 Public Hearing

Chairman Reichle said we have Bluewater Industrial Partners LLC, Project Sailfish, we had circulated a letter end of last week. Any discussion on the recommendation to the ZBA for their variance request? Hearing from no one he asked for a motion to approve the letter to send to the ZBA?

Vice Chairman Beaumont motioned for the planning board to send a letter of recommendation to the Zoning Board of Appeals, regarding the Bluewater Industrial Partners LLC area variance, seconded by Member Brown III. All in favor, all ayes, motion carried.

Westchester Modular Homes, Inc. – NYS Rte. 17K and Colonel Foster Drive  
Amended Site Plan Approval – Approved March 12, 2013  
10-Six-Month Extensions Granted; Expires September 12, 2018

Chairman Reichle reviewed the extension request form.

Member Pennings motioned to grant a 6-month extension of amended site plan approval to Westchester Modular Homes, Inc., to extend from September 12, 2018 to March 12, 2019. All in favor, all ayes, motion carried.

Member McGuire motioned to adjourn the meeting, seconded by Member Pennings. All in favor, all ayes, motion carried.

Respectfully Submitted,  
Suzanne Hadden, Clerk