

GREENE COUNTY PLANNING BOARD

Minutes of July 17, 2019 Meeting

Attendance was taken at 6:30 PM.

Present:

Anthony Paluch, Athens T
Bruce Haeussler, Coxsackie T
Cynthia LaPierre, Jewett
Erik Allan, Ashland
Arnie Cavallaro, Greenville
Jean Horn, New Baltimore
Mitchell Smith, Catskill V.
Carl Giangrande, Hunter V
Thomas Poelker, Windham
Richard Golden, Coxsackie V
Jerry Cunningham, Durham
Andrew Dale, Hunter T

Absent:

Elizabeth Hansen, Cairo
Jennifer Cawein, Lexington
Peter Alberti, Athens V
Eva Atwood, Catskill T
Lee McGunnigle, Tannersville V
Jim Dymond, Prattsville

Also in attendance were Karl Heck and Richard Schiafo of the Greene County Department of Economic Development, Tourism and Planning.

I. Roll Call

There is a quorum of members.

II. Approval of Minutes

The approval of the minutes of the April 17, 2019 meeting were moved by Richard Golden, seconded by Jerry Cunningham and approved unanimously.

III. Education and Training Opportunities

1. New York ReLeaf Conference “Community Forestry in a Rapidly Changing World” July 18-20, 2019 Mount St Mary College Newburgh, NY. <https://nysufc.org/2019-releaf-registration/>

2. Natural Resource Inventory for Greene County

October 29, 2019 Training session Greene County IDA Conference Room, Coxsackie

November 6, 2019* (***CORRECTION**, DATE is November 6, Not November 16.) Public Information Meeting Agro-Forestry Center, Acra

Training credit for October 29, 2019 NRI session, not for November 6, 2019 public information meeting.

In the future, the number of training hours available will be noted.

IV. Planning Department Reports

A. Environmental Notice Bulletin and Grant Opportunities

1. Environmental Notice Bulletin

- Hunter Peaks Residential Development, Hunter Dr, Hunter
- Greene County SWCD East Kill Streambank near Co Rte 78 Bridge, 39 Colgate Rd, Jewett
- National Audubon Society Inc, Ramshorn-Livingston Sanctuary, Catskill

2. Grant Opportunities

2019 Climate Smart Communities Grant Program

<http://www.dec.ny.gov/energy/109181.html>

Application deadline is July 26

Trees for Tribs: Apply Now for Fall Planting

Free native plants to help reduce erosion and improve habitat along your stream.

<https://www.dec.ny.gov/lands/43668.html> Application deadline is August 1.

B. Staff Reports

1. 8 year Ag District Review – beginning later this summer. 300-day process to review, add and remove parcels in Ag District Program
2. 2020 US Census - the Greene County Department of Economic Development, Tourism and Planning will be doing some outreach to remind and encourage people to complete 2020 Census.

V. Planning and Zoning Referrals

19-31 Town of Windham Re: Site Plan Review, SF Home, **INCOMPLETE**

Return for 239 Referral Form

19-32 Town of Hunter- Stony Clove Eco Cabins, State RT 214 Right of Way, Site Plan

Local Decision with Comments

Site plan for a boutique eco resort located on State RT. 214. Construction of 12 approx. 260 sq ft heated cabins with bathrooms, 1 clubhouse, a 1,000 ft driveway extension , 14 space parking areas, a footpath and wastewater (septic) infrastructure on a 21 acre wooded lot. Borders NY

New well and septic required DOH and DEC permit approval.

The Board finds this action is of local concern. However, in reviewing the project, the following non-binding comments are offered on relevant planning and zoning issues:

1. Consistent with County polices, preserve and protect the ground water resources, water bodies, and significant land resources which include unique natural areas and communities, steep slopes and ridgelines.
2. Avoid or minimize the impacts of this development on the county's drainage systems, both natural and constructed.
3. Preserve and protect the state and county's watershed, open space, trail and park systems.
4. Minimize the impact of structures on scenic vistas.

Motion: Jean Horn

Second: Carl Giangrande

Vote: Yes 11 No 0 Abstain: 1 Andrew Dale

Please note: An approval and/or local decision designation by the County Planning Board should not be construed as a recommendation that the referring agency approve the referral in question. An approval does not indicate that the County Planning Board has reviewed all local concerns; it indicates that the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.

19-33 Town of Coxsackie – Coxsackie/Freepoint Solar RE: Site Plan/Use Variance

Local Decision with Comments

Site Plan and Use Variance for a 5MW-AC ground-mounted solar system on a 68 acre, Agricultural and forested parcel on County RT 9W. It is a permitted use within highway commercial zone. Use variance is need for about 8 acres in residential zone. Array and associated facilities will be built on 28.92 acres of hayfield. A 20 feet wide gravel access road will be constructed from RT 9W with turnaround approximately 1,300 ft in length. Site Plan was presented to the Coxsackie Planning Board but was not reviewed and was referred to County. Site Plan went before Zoning Board of Appeals.

Recently adopted Local Solar Zoning Ordinance needs to be amended to allow for Use Variance.

The Board finds this action is of local concern. In reviewing the project, the following non-binding comments on relevant planning and zoning issues:

1. The Greene County Planning Board generally discourages the granting of use variances, except in cases where clear proof of hardship has been shown. New York State Town Law requires that use variances be based on "unnecessary hardship," defined as property that cannot yield a reasonable return if used for the purposes allowed in the zone, where the use would not alter the essential character of the locality, where the plight of

the owner is due to unique circumstances and not the general conditions in the neighborhood, and where the alleged hardship has not been self-created. In cases where hardship has not been shown but the municipality still believes the use is appropriate and desired for the district, the Board has recommended that the municipality consider whether the zoning law should be amended to add the use to the district use schedule rather than grant a use variance.

Note, in some cases there may be an additional alternative: Following a review of Town Zoning requirements and the proposed use, the ZBA may interpret the use to be subordinate to the principal use of the land or building and therefore allowed as an accessory use. In that case neither a use variance nor a zoning amendment would be required for the project to proceed.

2. Consistent with County policy to preserve and protect the county's prime agricultural land, and to keep this land in agricultural use and provide for potential of agriculture in the future development conditions should:
 - Require the project be built, operated, and decommissioned in ways that preserve the ability for land to be farmed.
 - Create dual use/co-location of energy generation and active farming on same parcel.
 - Require Developers to Construct, Operate, Maintain, and Decommission Arrays Located on Farmland in ways that Follow NYSDAM Guidelines to Protect Active Agricultural Use for the Future.
 - Disturbance of prime farmland soils should be minimized if not avoided.

3. Decommissioning Plan
Redraft Decommissioning language as recommended by the American Farmland Trust to demonstrate how the removal of all infrastructures (including but not limited to aboveground and below ground equipment, structures and foundations) and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. In areas where agricultural production will resume, re-vegetation shall include native plants and seed mixes and exclude any invasive species.

Decommissioning Plan should address removal of access road.

Decommissioning Plan should state that disposal of all solid and hazardous waste shall be in accordance with local, state and federal waste disposal regulations.

Motion: Arnie Cavallaro
Second: Jean Horn
Vote: Yes 11 No 0 Abstain: 1 Bruce Haeussler

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19-34 Town of Lexington - Windham Falls Recovery
RE: Site Plan Review/Special Permit - 42 Right of Way
Insufficient time to review, received July 11, 2019. Will be tabled until August agenda.

Next Meeting: Wednesday August 21, 2019

Motion to Adjourn
Motion: Mitchell Smith
Second: Thomas Poelker
Vote: Yes 12

The meeting was adjourned at 7:05 p.m.
Richard Schiafo,
Acting Secretary