

**TOWN OF COXSACKIE PLANNING BOARD**  
**MINUTES OF REGULAR MEETING**  
**October 3, 2019**

**CALL TO ORDER**

Chairman Bruce Haeussler called the meeting to order at the Coxsackie Town Office Building at 7:05 p.m. followed by the Pledge of Allegiance.

**ROLL CALL**

The following members were in attendance: Chairman Bruce Haeussler, Vice Chairman, Frank Gerrain, William Whitbeck, Joseph Garland, Secretary Patty McIntyre, JoAnn Conway, Hal Beaumont, Linda Deubert and Attorney Tal Rappleyea. A quorum was declared. Also, in attendance were Kevin Schwenzfeier representing Delaware Engineering, Jaqueline Phillips Murray, attorney representing Freepoint Solar, Reed Wills, consultant for Freepoint Solar, Nick Baudouin of Power Market, C.J. Colavito, Vice President of Engineering for Standard Solar, and Peter Ford, manager of development risk and investment

**MINUTES**

A motion was made by Frank Gerrain and seconded by Hal Beaumont to approve the minutes of the meeting of September 5, 2019 as written. The motion was unanimously approved.

**GENERAL DISCUSSION**

Chairman Haeussler began the meeting by welcoming new board member, Linda Deubert and thanked her for her interest.

Chairman Haeussler informed the Board that he had spoken with Renee VanSchaack regarding the RER Solar project on Bailey Street and its lack of landscaping. He said that Mr. VanSchaack represents the IDA, and that the land is being leased. Mr. VanSchaack can pull the lease if they do not comply, and he requested a copy of the site plans as approved. These were sent to him today. JoAnn Conway asked if there is something the Board can do in the future to prevent this. Chairman Haeussler suggested that the Board give a construction schedule with well-defined land maintenance, screening, etc.

Mr. Chairman gave an update on Northway Mining. There have been several complaints about the noise, which means they have been operating without a CO. He spoke with Mr. Martinez at Martinez Autobody and was told that they have had interruption in power as a result of this operation. Tal Rappleyea has requested a list of the violations from Code Enforcement so that he could move forward on this. Supervisor Hanse would like them to be shut down. Code Enforcement has the authority to fine, and/or file a cease and desist.

Frank Gerrain asked about the proposed solar on Rte. 9W across from Blackhorse Farms (Kasselman). This was a small ground-mount solar for a residence. The permits have been issued. It cannot be seen from the road.

## OPEN MEETING TO PUBLIC

### PROJECTS REVIEW

#### FREEPOINT SOLAR

Jacqueline Murray recapped progress so far with the project. She shared with the Board the responses to the Board's concerns by going through the list of how the following comments/concerns are being addressed:

1. *We would like the applicant to submit a range of photovoltaic panel types that could be used.* ✓
2. *We would like to see a more reasonable decommissioning plan that does not include the salvage costs for the panels since that is largely unknown at this period in time; between \$750,000 - \$1,000,000 would be appropriate.* ✓

***Proposed Bond (\$404,592) + PV Modules Salvage Cost (\$460,750) = \$865,342***

3. *The applicant needs to submit an operations and maintenance plan.* ✓
4. *The applicant needs to clarify their construction process and footings for us to better understand the impact on the prime soils on this site.* ✓
5. *We would like to see an earth-tone fence of at least 6'6". Animal passages should be allowed, with the continued ability to keep people off the property.*
6. *Details of the connection polls should be included in the site plans.* (Photos have been requested from Central Hudson)
7. *Road detail with 1' of gravel and 1' of clay shall be included in the site plans.* (This has already been approved by DEC. Chairman Haeussler asked if a Geotech report has been done, and requested a copy)
8. *Landscaping and screening should be more robust with a berm and all shall be in place prior to panel construction.*
9. *Discussion on monetary benefit to Town through Taxes, Pilot Agreement, or Use Fee needs to happen with applicant.* (They have reached out to IDA and have met with the Town Supervisor)
10. *Improved line of site visual assessment that shows the visibility from different locations and heights through the use of graphs.* (In the process of preparing these)

Kevin Schwenzfeier went through the findings from the SEQR review. The following questions were marked “yes” and the following explanations were provided.

**Question 1.** Impact on Land – No Significant Impact – The proposed action may involve construction on land where depth to the water table is less than three feet and where bedrock is generally within five feet of existing ground surface; however, this type of action will not impact either resource.

**Question 3.** Impacts on Surface Water – Moderate Impact May Occur — The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks or any other water body; however, the encroachment will only be within the local buffer zone of the wetland and since there will be no change to the vegetative cover in those areas there should not be a significant impact to the wetlands; however, the impact to local regulation may be more moderate if Actions are continually allowed to encroach upon these buffer areas without mitigation.

**Question 7.** Impact on Plants and Animals – Small Impact May Occur – The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened, or endangered species as listed by New York State or the federal government; however, the applicant has submitted an Incidental Take Permit Application for the mitigation of this impact to the threatened Northern Harrier and endangered Short-eared Owl through deed restriction of a 28.92 acres site.

**Question 8.** Impact on Agricultural Resources – Small Impact May Occur – The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System; however, since the soil will not be removed the impact should be minimal.

**Question 8.** Impact on Agricultural Resources – Small Impact May Occur – The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland; however, the pressure for development already is underway and this project is not the catalyst for this pressure, but rather a reaction to previously approved development.

**Question 17.** Consistency with Community Plans – Small Impact May Occur – The proposed action is inconsistent with local land use plans or zoning regulations. A use variance is under review by the ZBA and all variances have at least a small impact on consistency and precedent that shows the regulations of the municipality may not be reflective of the desires and realities.

After discussion, it was also determined that **Question 9 Impact on Aesthetic Resources**, would be considered. Mr. Gerrain and Mr. Beaumont felt that the Bronck House may be impacted as it may be in view from the new barn being constructed. There was a motion made by Hal Beaumont to vote as to whether the solar project will have an impact on the Bronck Museum and seconded by Frank Gerrain. JoAnn Conway, Linda Deubert, Frank Gerrain and Hal Beaumont voted yes, this will impact it, Bruce Haeussler and Joe Garland voted no, and Bill Whitbeck abstained. So, this question was changed to a “yes”, and the form will be modified. **Question 18 Consistency with Community Character** was also changed to a “yes” because the project involves an 8-acre zoning change. Mr. Schwenzfeier then proposed a negative declaration. Carol Metz asked that the resolution be read aloud. Patty McIntyre read as follows:

“NOW, THEREFORE BE IT RESOLVED THAT: 1. The Town of Coxsackie Planning Board shall be, and hereby confirms its designation as, SEQRA Lead Agency. 2. The Planning Board has reviewed Part I of the FEAF, has completed Part II and III of the FEAF, and after review finds it complete and accurate. 3. The Town of Coxsackie Planning Board, as SEQRA Lead Agency, hereby determines that the proposed construction of the Freepoint Coxsackie Solar Facility will not have a significant adverse environmental impact on the environment for the reasons set forth in the Negative Declaration attached hereto and made a part of this resolution and adopted on this date. 4. The Planning Board Chairman shall sign Part 3 of the FEAF indicating thereon that an Environmental Impact Statement will not be prepared and cause the Notice of Determination of Non-Significance attached to be filed as required by law.”

A motion to adopt this resolution was made by Joe Garland and seconded by Frank Gerrain. The motion passed with 6 in favor and one abstained. (Board member Linda Deubert abstained because she was not present for the presentations prior to this meeting.) This negative declaration allows the ZBA to proceed. Freepoint will continue to present to the Board the requested information and send the Geotech report as requested. Chairman Haeussler requested a copy of the landscaping plan be e-mailed. Heather Valiant provided visuals of the plantings now and after 5 years. Reed Wills assured the Board that they will do a line-of-sight study and come back with that for the Board. The project will be 100 feet back from the centerline. JoAnn Conway asked what guarantee there is that this will be done? Mr. Wills will provide assurance that will be acceptable to the Town that the landscaping will be done. Peter Ford, Managing Director, assured the Board that they heard the Board’s concerns loud and clear.

**ADJOURNMENT**

A motion was made by Joe Garland and seconded by JoAnn Conway to adjourn the meeting at 8:15pm. The motion was accepted unanimously.

**RESPECTFULLY SUBMITTED,**

**Patricia McIntyre, Secretary**