

**TOWN OF COXSACKIE PLANNING BOARD**  
**MINUTES OF REGULAR MEETING**  
**November 7, 2019**

**CALL TO ORDER**

Chairman Bruce Haeussler called the meeting to order at the Coxsackie Town Office Building at 7:00 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, and Attorney Tal Rappleyea. A quorum was declared. Also, in attendance were Kevin Schwenzfeier representing Delaware Engineering, John Stockli, representing Northway Mining, Kimberly Puncher of C & A Engineering, Geoffrey Katt of AEC Solar, Helen and David Meier, Mark Flach, and Carol Metz.

**MINUTES**

A motion was made by Hal Beaumont and seconded by Joe Garland to approve the minutes of the meeting of October 3, 2019 as written. The motion was unanimously approved.

**GENERAL DISCUSSION**

Chairman Haeussler began the meeting with a general discussion of the landscaping surrounding the solar located on Bailey Street. Board members still feel that the berms and the trees are not enough, although that was what was stipulated in the agreement. A fence has been added. JoAnn Conway is concerned with the puddles that are now forming and the cattails and grass have not been mowed. Chairman Haeussler has spoken with Renee VanSchaack who would bring the Board's concerns to those leasing the land. Chairman Haeussler requested that Board members send him their concerns with the landscaping, and he will put together a list and send it out to everyone.

Tal Rappleyea gave an update on the status of Northway Mining. New attorneys have been retained, but it is his understanding that they are still operating. He has been asked to commence proceedings for a cease and desist. Bill Whitbeck verified that Mr. Quigley is no longer associated with the property. Several complaints have been lodged regarding noise and power surges. Mr. Rappleyea cited the minutes from June that show that this was a concern of the Board from the beginning.

Mr. Rappleyea gave an update on North Country Armory. The Town Planning Board is being sued by neighbors of the property for the approval that they have given. It is being held in abeyance right now because the owner, Shane Pilato is working through the attorneys to come up with a settlement where he can continue to have his operation in a manor that won't be as offensive to them. Mr. Rappleyea clarified the reason why the Board can be sued. Article 78 gives anyone the right to sue. The Armory is still operating. Chairman Haeussler mentioned the fact that the State is planning to triple the size of the shooting range at the Correctional Facility which is in close proximity to North Country as well.

Kevin Schwenzfeier was informed that Freepoint Solar was not coming. Mr. Schwenzfeier sent out copies of documents received from Freepoint and his comments for the Board to review. Chairman Haeussler commented that the Board will need to require a pretty healthy screen/buffer as he looks further into the view from Pegasus. Mr. Beaumont wants to be sure that they are planning on adding berms as well. Mr. Whitbeck suggested that the Board look at the berms in front of Save-A-Lot because they are coming in nicely and it may give an idea of scale, and Chairman Haeussler mentioned the berms in front of the trucking company on 9W near Schoharie Tpk. Freepoint has gone before the Zoning Board, and Zoning will make their decision at their meeting next month.

## **OPEN MEETING TO PUBLIC**

### **PROJECTS REVIEW**

Freepoint was not present

### **NEW BUSINESS**

Applications for residential ground mount solar were reviewed. Building Permit Applications for properties located at 135 Johnny Cake Lane and 113 Johnny Cake Lane were submitted. Tal Rappleyea informed the Board that under 1675C2 we are required to go through a site plan review and complete the check list, and since the applicants were not present, it could not be done. The concern is that the plans provided do not indicate exactly where the panels will be placed. After the site plan and checklist are reviewed, a Public Hearing will be scheduled, and all neighbors within 500ft of the property must be notified by certified mail. In the case of 135 Johnny Cake Lane, owned by Dawn Smith, her existing ground mount was installed prior to the new solar law, so this process was not necessary. The Board agreed that the applicants would be notified of this process and be asked to return to the December meeting.

Geoffrey Katt of AEC Solar applied for a residential ground mount solar located on the property of Amanda Starks at 479 Medway-Earlton Rd. He provided the Board with the Site Plan, and they reviewed it. His application was complete. He was informed that he would need to complete the Check list and send it to the secretary and that a Public Hearing will be scheduled for the December 5<sup>th</sup> meeting. A certified letter must be sent to all surrounding properties within 500 ft. as well.

Community member Helen Meier asked the Board about the reference to the Department of Corrections Shooting Range that was made earlier in the meeting, which is near her property. The Board received a copy of the Notice of Complete Application from the DEC which will have to be published in the Albany Times Union during the week of 11/11/2019. It indicates the scope of the range to be built at the Coxsackie Correctional Facility. Tal Rappleyea forwarded this to Ms. Meier for her information.

Attorney John Stockli, representing Northway Mining, introduced himself as being recently retained. He wanted the Board to know that they will be conducting a noise study on Monday, and they are working toward a solution. A cease and desist has been ignored, and he would not say that they were

going to shut down. Papers are being drafted to bring action to court. Community member Mark Flach asked what the issue was with them operating in the building and was told that they have no permits to operate and there are complaints of noise and disruption in power. Under our zoning law, when someone changes a use on a property, they must get a site plan approval, and Northway Mining has not done that.

**ADJOURNMENT**

A motion was made by Bill Whitbeck and seconded by Frank Gerrain to adjourn the meeting at 7:48pm. The motion was accepted unanimously.

**RESPECTFULLY SUBMITTED,**

**Patricia McIntyre, Secretary**