

Town of Hoosick Zoning Board Meeting Minutes  
April 3, 2023

Present: Chairman Jim Hoag, Eric Ziehm, Mike Bailey, Fred Pirie, Gary Sussman, Attorney Gilchrist.

The meeting was called to order by Chairman Hoag with the Pledge of Allegiance at 7 P.M.

Attorney Gilchrist was introduced as the new attorney for the Town of Hoosick Zoning Board.

A motion was made by Fred Pirie to approve the minutes of the March, 2023 meeting, seconded by Gary Sussman. The motion was approved 4-0 (Mike Bailey abstaining), motion granted, and the minutes of the March, 2023 minutes approved.

The minutes of the public hearing for the Washburn special permit were reviewed. Eric Ziehm stated that the applicant had done everything requested by the Zoning Board on this project, and had been very cooperative. All members concurred. A motion was made by Eric Ziehm to approve the minutes of the Washburn special permit public hearing, seconded by Fred Pirie. The motion was approved 4-0 (Mike Bailey abstaining), motion granted, and the Washburn public hearing minutes approved.

The Zoning Board discussed the Washburn special permit. Attorney Gilchrist recused himself from the Washburn application, as he stated he had provided legal counsel to the prior owner of the Washburn property in connection with the transaction through which Washburn obtained title to his property. Jim Hoag distributed a proposed resolution of the Zoning Board approving the Washburn special permit, generally reviewed the proposed resolution with the Board members, and indicated that the resolution would be reviewed by the Town Attorney in light of Attorney Gilchrist's' recusal. Gary Sussman stated that he no objection to the resolution, except for the term "parking solution". Jim Hoag stated that this addressed the U-Haul parking; that Washburn could add a second parking

lot; that the Zoning Board does not want any cars or trucks waiting on the highway to enter the site. Mike Bailey asked whether a plan should be provided for a second parking lot before the special permit is issued. Jim Hoag stated that this would not be required, and that Washburn understands what is needed and will take care of it. Mike Bailey asked whether the special permit should be required to be renewed annually. Jim Hoag also asked whether the special permit should need to be renewed in one year to ensure compliance with any conditions attached to the special permit. Mike Bailey thought this was a good idea for the general protection of the Town. Attorney Gilchrist discussed general legal principles, not specific to the Washburn application, concerning the municipal code enforcement process to enforce any conditions attached to a land use approval, and also the authority of a zoning board to impose conditions on a special permit, including a condition that the permit requires renewal. The Zoning Board generally discussed the requirement for a one year renewal on the Washburn special permit, particularly with regard to the U-Haul parking plan to be developed and implemented. The Zoning Board was in general agreement that a one year renewal should be required for the Washburn special permit. Mike Bailey asked whether the 62-day period for a decision on the special permit is applicable. Jim Hoag said that it was, and that the special permit draft would be revised and placed on the agenda for the Zoning Board May meeting.

The Zoning Board discussed the CS Energy application for its proposed solar energy project. Mitch Quine and Sage Ezell of CS Energy were present. The Zoning Board's engineering review consultant, Kevin Schwenzfeier of Laberge Engineers, was also present. The applicant stated that it wanted to be further along on the site plan, but was attending this meeting to present a project status and be able to answer any questions. The applicant stated that everything has been submitted for the application except the final site plan, Stormwater Pollution Prevention Plan, the two-mile visual assessment, and the Environmental Assessment Form. Kevin Schwenzfeier stated that he had received supplemental application information from CS Energy, and was in the process of reviewing that information. Mike Bailey asked whether anything has changed substantively since the last submittal. The applicant stated that no substantive changes have been made, only a slight modification to the site information. Jim Hoag stated that the map submitted by the applicant

shows fencing along a Town road, and asked whether the applicant had discussed this with the Town Highway Superintendent regarding area for road ditching and road maintenance. The applicant stated that they had not discussed this with the Town Highway Superintendent, but felt that the proposal was adequate. Jim Hoag stated the applicant should discuss this with the Town Highway Superintendent. Gary Sussman asked whether there were any telephone lines on the plan. The applicant stated that telephone lines were shown, in the northwest corner of the site. Jim Hoag asked the applicant whether it had a copy of the Town's Farmland Protection Plan. The applicant stated that it did not, and Kevin Schwenzfeier stated that he would provide it to the applicant. The applicant then generally listed the current application documents, which include a special permit and area variance application, parcel information, abutter list, a detailed project description, landowner authorizations, a map identifying the area variance requests, a viewshed map, equipment specification sheets, an agricultural data statement, a safety plan, an operation and maintenance plan, a decommissioning plan, and a form of decommissioning agreement. The viewshed map was discussed, which should address topography, impacted viewsheds and sensitive resources. Jim Hoag confirmed that seven hard copies of all applications documents must be submitted, plus an electronic submission. Mike Bailey asked whether the viewshed analysis included seasonal conditions (leaf on, leaf off). The applicant stated that it did not have a seasonal analysis, but was presented on a worse-case scenario as if no vegetation existed in the field. Fred Pirie asked whether the applicant talked to nearby property owners, and what general reaction was received. The applicant stated that it had talked to nearby property owners, and that the reaction was generally not negative. Jim Hoag stated that the Zoning Board had received a letter from Wilwol, 69 Fords Road, and later read the entire letter into the record. Kevin Schwenzfeier discussed the decommissioning plan, and that it was based on 25-year life of the proposed system. The applicant indicated that the decommissioning plan and decommissioning estimate was based on a 25-year life of the system, but that the financial security would remain in place at the end of 25 years in the event the system continued in operation. Fred Pirie asked about the intended project review schedule and construction schedule. The applicant stated its goal was to have a complete submission by the May meeting, approval by the Town this

summer, with construction to start by this fall or winter. Kevin Schwenzfeier asked about the construction schedule. The applicant stated construction was anticipated to be 12-16 months. Mike Bailey asked whether the posts for the solar panels would be pile driven or augured into place. The applicant stated that pile driving was likely, but that there was shale present on this site so they may need to auger the posts into place. Fred Pirie asked about the status of any environmental impact study. The applicant stated that wetland delineation had been completed, as well as an analysis of any threatened/endangered species. Jim Hoag followed up on the information on threatened/endangered species, flora, fauna. The applicant stated that this information would be included in the Environmental Assessment Form. Gary Sussman asked about species migration paths. The applicant stated that species tend to adapt to these projects, and that there are ways to allow animal migration, including type of fencing and elevation of fencing. Kevin Schwenzfeier asked about tree clearing. The applicant stated that there would be the clearing of mature trees within the area proposed for solar panels, but that the trees would be removed only during the winter season. Jim Hoag asked who compiled the wildlife species list. The applicant stated that it will be utilizing NYSDEC and USFWS lists. Mike Bailey asked whether US Energy would be operating the site. The applicant stated that it was generally in the business of developing, constructing, and then having a limited operation period, but that long term site operation would likely be transferred to another entity after construction was complete. Mike Bailey asked whether any special permit conditions would be transferred and binding on a new owner/operator. The applicant stated that all site conditions would be binding on the subsequent site owner/operator. Mike Bailey asked about noise and dust generation during construction. There was general discussion regarding construction issues, including stormwater runoff and notice to neighboring property owners. Jim Hoag asked about limited hours of operation for pile driving or auguring of posts. The applicant stated this will be addressed in the Environmental Assessment Form, and there was a discussion on reasonable construction limitations. Mike Bailey stated that the Zoning Board members should take the opportunity to tour another CS Energy facility in the Town of Easton. Kevin Schwenzfeier asked about delivery schedule for the solar panels and other equipment. The applicant stated that it tried to be on a "just-in-time" delivery schedule so there was

not a significant area for on-site storage or double-handling of materials. Eric Zeihm asked whether any staging area is shown on the site plan for solar equipment or construction equipment. The applicant stated that it was. Eric Zeihm asked whether the staging area would be part of the area proposed for solar panels, or would be located outside of the fenced area. The applicant stated this depended on the site, and was still under review in this case. Kevin Schwenzfeier had a question regarding stormwater management, and the applicant state that its Stormwater Pollution Prevention Plan was still in development. Fred Pirie asked whether there were any future plans to expand this project. The applicant stated that there are no expansion plans at present, and if such an expansion plan were proposed in the future, it would require a new application and further Town review. The Board also discussed escrow requirements for engineering and legal review of this application.

Richard Hunt attended the meeting, and generally discussed with the Board incorporation of fire department review comments into future project reviews; coordination on projects that have impacts in both the Village of Hoosick Falls and the Town of Hoosick; and a requirement of fire department training for all applicable projects. The Board will take these comments under consideration.

Upon motion duly offered and seconded, and unanimously approved, the Zoning Board meeting was adjourned.