

TOWN OF GLEN PLANNING BOARD

MINUTES OF MEETING HELD JANUARY 20, 2022

A meeting of the Town of Glen Planning Board was held at 7 Erie Street, Fultonville, New York, on Thursday, January 20, 2022, at 6:30 pm.

The following members of the Town of Glen Planning Board were present:
Sandy Hemstreet, Boddy White, Cheryl Huxhold, Nancy Langdon

The following member(s) of the Town of Glen Planning Board were not present: JD Downing, Jenn Mete-Jeffer, Tim McMurray

A quorum of the Planning Board being present, the meeting was called to order at 6:33pm by Secretary, Sandy Hemstreet, followed by the Pledge of Allegiance and a moment of silence. Meeting notes were recorded and drafted by Secretary, Sandy Hemstreet.

Welcome new members: Jennifer Mete-Jeffer, JD Downing, Boddy White

Re-appointment- Sandy Hemstreet submitted for and was approved for re-appointment

Oath of Office Signatures Required:

- Jenn, JD, Boddy, Sandy- all signed and returned to Town Clerk for official approval

2022 Election of offices – Chair, Vice Chair, Secretary; nominations and selection.

- Chair: JD Downing
 - Motion to approve, Cheryl Huxhold
 - Second, Nancy Langdon
 - Aye, Sandy Hemstreet, Boddy White, Nancy Langdon, Cheryl Huxhold
- Vice Chair: Jenn Mete-Jeffer
 - Motion to approve, Nancy Langdon
 - Second, Boddy White
 - Aye, Sandy Hemstreet, Boddy White, Nancy Langdon, Cheryl Huxhold
- Secretary: Sandy Hemstreet
 - Motion to approve, Nancy Langdon
 - Second, Cheryl Huxhold
 - Aye, Boddy White, Nancy Langdon, Cheryl Huxhold
 - Abstain, Sandy Hemstreet

2022 By-Laws

- Review of suggested edits for the 2022 By-laws
- Sandy Hemstreet noted all edits were simple updates to the process the Planning Board has been following to date.
- Motion to adopt the By-laws with recommended updates and send them along to the Town Board for review.
 - Motion to approve, Cheryl Huxhold
 - Second, Nancy Langdon
 - Aye, Sandy Hemstreet, Boddy White, Nancy Langdon, Cheryl Huxhold

Nancy Langdon motioned to approve the minutes of the Planning Board meetings held on December 2, 2021, December 16, 2021, and December 29, 2021. Cheryl Huxhold seconded the motion. Sandy Hemstreet, Boddy White, Nancy Langdon, and Cheryl Huxhold voted in favor of the approval.

Old Business

Western Supreme Buddhist Temple

Sandy Hemstreet spoke with Doug Van Deusen (Lamont Engineering). No updates from the Archaeological Consult or WSBT pertaining to Phase 1B archaeological investigations with NYS. Naki Chan noted a plan to get SHPPO Phase 1B completed in spring. Doug Cole (Prime AE) indicated the outstanding concerns from the March 2021 Prime AE letter still require updates. Sandy Hemstreet spoke with Gilcrest & Tingley (Attorney for Shrine) with all updates.

Next Steps- application remains active

Borrego Solar, Route 5s- Greg Gibbons

Greg Gibbons submitted an updated decommissioning plan to include the required soil testing requested by the Planning Board. Cornell Cooperative Extension recommended 6 sites to be tested at start and finish of project. These have been added to the decommissioning plan.

Motion to accept updated decommissioning plan and submit to Town Board for review/approval

Motioned: Nancy Langdon

Seconded: Boddy White

All if Favor: Cheryl Huxhold, Sandy Hemstreet, Nancy Langdon, Boddy White

No: N/A

Daim Logistics- Pat Oare

Sandy Hemstreet noted the Lead Agency Letters were sent 12/17/21. Ag & Markets responded- no objection to lead agency status. DOT responded- no objection to lead agency status. Montgomery County provided feedback after reviewing on 1/13/22. They approved with no additional comments/requests.

At 7pm, Sandy Hemstreet opened the public hearing by reading the Notice of Public Hearing and requesting Pat Oare provide a general overview of the project, which included selling space by the pallet for 3rd party logistics. Public comment is as follows:

1. Susan Whiteman- Will there be an increase in traffic?
 - Minimal increase, but the park was created for industry traffic
2. Rosalie Farina- Can we restrict tox materials in the warehouse? There's a major aquifer under the park and there are concerns that toxic materials should be restricted.
3. How will you comply with fire department?
 - project requires Fire Department feedback as part of the building process
4. Would you be willing to consider solar on top of the warehouse?
 - It's not in the works now and research would be required, but not opposed

5. At the intersection of Riverside Dr and Route 5s, can anything be done about the Jake Breaks being used by the trucks as they make the turn at that intersection?
 - the State could put up signage about not using a Jake Break
6. Fire Suppression- What's been done?
 - suppression testing has been completed. Joint Services conducted one and another was done in December 2021
7. Was a traffic study required by Montgomery County Public office when they came before Planning Board?
 - Yes

Motion to close public hearing period, 7:13pm

Motioned: Cheryl Huxhold

Second: Nancy Langdon

All in Favor: Sandy Hemstreet, Boddy White, Cheryl Huxhold, Nancy Langdon

Doug Cole (Prime AE) noted the revised site plan was received and adjustments were made regarding the overlap into the regional collection pond. Storm Water documents updated. Doug went through and reviewed the SEQRA Parts 2 and 3 with the Planning Board. Question on adding hazardous materials concerns. Boddy White noted that special permits are required to transport and handle anything hazardous. Planning Board does not wish to add additional language relate to this concern; NYS permitting requirements cover it. Completed review indicates a negative declaration.

Motion to approve negative declaration of DAIM Logistics SEQRA Review

Motioned: Cheryl Huxhold

Second: Boddy White

All in Favor: Sandy Hemstreet, Boddy White, Cheryl Huxhold, Nancy Langdon

Motion to approve application for 54,000sqft DAIM Logistics Warehouse with contingencies (completed application, FEAF Parts 1, 2, 3, Negative Declaration, Approved County Referral, Public Hearing held)

1. Approval is conditioned upon applicant addressing all Town Designated Engineer (TDE) and Montgomery County Planning comments and full and final approval of the TDE and County.
2. Prior to the issuance of site development and/or building permits by the Town of Glen, the applicant shall:
 - a) Obtain a SPDES General Permit for Stormwater Discharges from Construction Activity from the New York State Department of Environmental Conservation (NYSDEC GP-0-15-002).
 - b) Submit a Professional Engineer Stamped Comcheck (latest version) Building Envelope Compliance Certificate.
 - c) Submit the New York State Building Code review checklist showing required/allowed versus actual.
3. The applicant shall submit the proposed 45' Drainage Easement Agreement to the Town for review and approval.
4. The applicant shall submit final interior layout plans to the building department for review and approval.
5. Prior to the issuance of Site Development and/or Building Permit(s) by the Town of Glen, the applicant shall attend a pre-construction meeting with the Building Inspector and the TDE to confirm the completion of the above stated conditions.

6. Completion of SWPPP inspections and reporting during construction by a Qualified Inspector.
7. Provide Hydrant Flow test results
8. Must follow DOT / DEC regulations

Motioned: Cheryl Huxhold

Second: Nancy Langdon

All in Favor: Sandy Hemstreet, Boddy White, Cheryl Huxhold, Nancy Langdon

JD Downing to sign Part 3 & Mylar- leave with Roxanne; enter notice in Environmental Notice Bulletin

411 Reynolds Road Wind Energy Project

Camie Jarrell of GHD Consulting Services

Doug Strong of Borrego Solar

Resolution was made at the December 16, 2021 meeting to keep public hearing open for the next 30 days to allow the public to submit any further comment by letters. Multiple letters were received. Letters contains 40+ questions that will be divided out by the Planning Board, Borrego and Prime AE for answers. Responses will be available to the public by the 2/17/22 meeting.

Motion to close public hearing period for the Borrego Wind Project

Motioned: Nancy Langdon

Second: Cheryl Huxhold

All in Favor: Sandy Hemstreet, Boddy White, Cheryl Huxhold, Nancy Langdon

Camie and Doug provided updates on outstanding items from the December meeting. These included updated setbacks on current drawings to meet 1.1x height (723ft) from all property lines. Updated Avian Study, Civil Engineering Plans, Sounds Study, Shadow Study, Visual Study and photos requested from resident's homes. No updated SWPPP was provided.

Sandy Hemstreet noted Lead Agency Response Letter had arrived from DEC. DEC provided for possible permits:

- **Article 11 Incidental Take Permit** – If the proposed action will result in a “take” of a threatened or endangered species, an Incidental Take Permit will be required. A “take” is defined within ECL §11-0535 regulations as an activity interfering with an essential behavior on habitat occupied by threatened or endangered species.
- **Article 15 Protection of Waters Permit** – The 876-185 stream, a Class C navigable waterbody is located within the project area. If this project results in excavation or fill below the mean high-water level, an Article 15 Protection of Waters Permit for Excavation and Fill will be required.
- **Section 401 Water Quality Certification** – If this project will impact federally-regulated wetlands or waterbodies, which require a Section 404 Permit (Individual or Nationwide Permit) from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification may be required from the Department.
- **SPDES General Permit for Stormwater Discharges from Construction Activity** – If this project will disturb more than one acre of land, the applicant must comply with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities.

Updates from Prime AE reviewed comment letter submitted and reviewed. Outstanding items remain that require updates from Borrego. Need to ensure the Take Permit is added to the FEAF. Require updated SWPPP- Borrego plans to provide at February meeting.

Land Use Management Plan:

N/A

Solar Moratorium:

Town Board submitted for legal review 1/14/22. Town Board hosting public hearing to extend solar moratorium while legal counsel is consulted. Currently obtaining pricing.

Comprehensive Plan:

N/A

New Business

ConnectGen

Jessica Klami

Winter surveys being conducted. Some are on pause because of the weather and ground being frozen. Updated plans to submit application end of summer 2022 to NYS/ORES.

Proposed Letter to Governor

Sandy Hemstreet looking for a Planning Board member willing to work on editing the proposed letter to submit to Town Board for joint notice to the Governor. No action taken tonight.

Communication Updates

N/A

Public Comment

1. has a route been identified for the wind turbines?
 - No, but will work with State, County and Town as part of this process
2. How does Borrego install if they've never done a wind project before?
 - hire a 3rd party contractor
3. Who completed the Avian Study?
 - EDR complete year long study. Work in conjunction with DEC to ensure mitigation
4. Any disturbance to TV/Cell phone?
 - No
5. What is projected cost to operate annually?
 - scheduled maintenance. All else handled by control room
6. Is there oil in the turbine?
 - in the gear box; self-contained. Hydraulic fluids, if there are any, would be housed in same box; every 5 years receives an oil change
7. Won't hear the sound but we will feel it. Ultra-low frequency will have an impact.
 - Borrego concludes, based on peer studies, there is no evidence of issues of living hear wind turbines

8. There's a similar project on Hughes Rd in the Town of Florida. We will be surrounded
9. Why doesn't the visual study have coordinates and distances?
10. Unable to find the model Vestus that this project indicates it's using
11. How much are we, as taxpayers, paying for this project?
12. Is our fire department equipped to handle a project like this?
13. How do we know Borrego will build a quality product?
14. Would Borrego pursue this project if a tax credit was not involved?
15. We can get discounts on our electric bill already, right?
16. Very concerned about our health and issues associated with wind turbines
17. It will be in front of my house. I'm concerned about my health.
18. Opposed to project. Why is it even being considered?
 - because local law notes wind as a allowable use with a special use permit, so all applications must be reviewed and considered.
19. What are the carbon offsets?
20. What is the entire process? Why didn't we know sooner?
 - all PB meetings are open to the public. All documents received regarding project are listed on Town's website and updated monthly.
21. Will people lose use of their property with utility easements?
22. What is the DEC no trespass zone?
23. What do the NYSERDA Guidebook easements and rights of way mean on page 37?
24. Tried to get a sound analyst to come to meeting but he wouldn't because he's afraid he'll lose business
25. None of our Amish neighbors are for this project
26. Who do landowners go to after this is build and it's not what we were sold?
27. Are we zoned for industrial size? This is 640ft tall. The ones in Little Falls are 266ft tall.
28. You will see it from every view point in Glen
29. Are we allowed to build barns or grow trees? The NYSERDA guidebook says we can't
 - believe this is for landowners who are hosting turbines
30. Who is the Town Code Enforcer
 - Tom DiCaprio
31. Why is the sounds study only in A-Weighting?
32. Are neighbors just supposed to suck it up?
33. Why are we putting industrial in agricultural areas?

Closing

The next Town of Glen Planning Board meeting is scheduled for February 17, 2022 at 6:30pm

Cheryl Huxhold motioned to adjourn the meeting at 10:07pm. Nancy Langdon seconded the motion. Boddy White, Cheryl Huxhold, Nancy Langdon, and Sandy Hemstreet voted in favor of the adjournment.



Sandra Hemstreet