

**Town of Westerlo
Planning Board
Westerlo, New York
Planning Board Meeting**

Minutes

Date: April 26th, 2018

Location: Westerlo Town Hall, Westerlo, New York

Board Members: Chairperson Dorothy Verch, Gerry Boone, Richard Kurylo, Edwin Stevens, and Doyle Shaver Jr.

Town Attorney: Aline D. Galgay, Esq. (not present)

Zoning Administrator: Edwin Lawson

Board Members Present: Chairperson Dorothy Verch, Gerry Boone, Richard Kurylo, Edwin Stevens, and Doyle Shaver Jr.

Town Board Member Present: Richard Filkins

The Planning Board meeting was called to order by Chairperson Dorothy Verch at 7:00 pm. Chairperson Dorothy Verch led the pledge to the flag.

The board reviewed March's minutes. Richard Kurylo made motion to accept the minutes; Gerry Boone seconded the motion. All members present in favor.

Old Business:

Application 16-005, Tarpon Towers/Verizon Cell Tower-approved 5/23/17-Aerosmith responsible for cell tower progress.

Application 17-009 & 17-010, Medusa Solar and WesterloNY01-briefly discussed PILOT progress.

Dorothy Verch reopened public hearing for application #17-005, Constanza Solar, LLC, 198 Sunset Hills Rd, Westerlo, NY. Tax map #162.-2-4. Please see letter from Strawberry Lane residents:

April 22, 2018

Westerlo Town Planning Board

Westerlo, NY

Dear Sir or Madam:

The neighbors living on Strawberry Lane have discussed our concerns with the proposal being put forth by Costanza/Cypress Creek. Though we have since heard that the proposed access road is being moved, we have come to a clear consensus that we are still opposed to the current project. Below we explain the reasons for our opposition:

1. Visual Impact. We have a significant concern regarding visual impact on Strawberry Lane, specifically:

a. The inadequate barrier of fencing and shrubbery that has been proposed along the area parallel to upper Strawberry Lane adjoining the Welch property. What used to be a gorgeous tree line view of a forest will be replaced with a clear view of a few thousand solar panels from every vantage point on our properties. They are proposing to cut down all the trees right up to the property line and for over 1000' they are replacing the trees with a 6' high chain link fence with barbed wire topping. They are creating a fenced in compound that will be in full view from our homes. This is a visual impact that we cannot accept and that is not in alignment with the quality of residential rural life that we have come to expect.

2. Neighborly Trust and Integrity. We have been concerned about the ways that Costanza/Cypress Creek has gone about the planning process and believe this does not bode well for future challenges that may arise through production and maintenance phases. These concerns include:

a. their seeming lack of concern for property lines and deed restrictions.

b. their lack of communication with the neighbors as to their plans which resulted in neighbors scrambling at the last minute to try and get information about the project when it could have been discussed with us up front.

3. Environmental Concerns. We identify several hazards that we do not feel we have received adequate response to and, given the issue stated above, are concerned whether they would ever be adequately addressed. These concerns include:

a. Use of commercial scale herbicides on proposed acreage and nearby wetlands and its impact on air and water quality; the claims made by Costanza/Cypress Creek concerning the use of "natural products" are unsubstantiated

- b. Damage to the natural habitats of plants and animals
- c. Sound from the high voltage commercial inverter(s)
- d. Water drainage downhill
- e. The decimation of the trees which border the Welch residence and which exist as the result of a NY state reforestation project

4. Quality of Life. We believe this project threatens the unique quality of rural residential living in Westerlo, including:

- a. The operation of a commercial enterprise in such close proximity to residences
- b. The potential for a negative effect on our home values
- c. Potentially undermining the intent of residential agreements for peaceful and harmonious living arrangements

In sum, there is not one sole reason why we think this is a bad proposal for the neighbors of Costanza/Cypress Creek, LLC, but taken as a whole, these concerns are enough to make us not only concerned but opposed to this proposal. None of us is against the building of a solar farm, but we do not believe that this particular proposal in this particular location is good for the community of Westerlo. We see very little benefit to this particular proposed solar farm given the limited tax revenues and the fact that there are other solar farms that do not immediately affect the views of residents in the way this proposal would.

Sincerely,

Ted Mehl, 53 Strawberry Lane

Loretta Pyles, 53 Strawberry Lane

Egle Welch, 60 Strawberry Lane

Dave Ziminski, 3 Strawberry Lane

Ann Walling from Cypress Creek and Christine from Langan Associates expressed concerns. She stated that 25 feet of natural forest will remain. They are willing to compromise with residents. The array will be quiet; no noise. A buffer can be planted outside the fence for privacy. There will be limited disturbance to the edge of the fence and the screening will be outside the fence.

Don Fisher, appraiser from Pomeroy Appraisers was present and stated there are no known impacts on home values due to solar arrays.

The SWYPT is being reviewed by Kaaterskill Associates. The solar farm has been compliant with all of the boards requests. A new SEQRA was completed based on changes. The pilot is going to be negotiated with the town. The board has conditions to be added to application. As follows:

- Primarily screening, shrubbery/vegetation
- Black vinyl coated fence-7 foot/no wire
- Two staggered rows of vegetation 6-8 feet high in addition to what is in the landscape plan access road pushed back north as far as possible
- Verification of SWYPT
- Westerlo Fire needs to come out
- Follow up with utility company to move interconnection poles back to hide in trees
- Survey team to stake out panels by Strawberry Lane

Richard Kurylo made motion to adjourn public hearing until May 22, 2018.; Ned Stevens seconded the motion. All members present in favor.

New Business:

Ross Reinhart, 698 CR 353, Rensselaerville, NY 12147 (on Route 85 next to Shell Inn), Tax id #126-2-17.10. Applicant requests a special use permit to build 40'X60" pole barn to be used as a farmer's market seasonally. Application assigned #18-002. Ned Stevens made motion to accept the application; Doyle Shaver seconded the motion. Part I of the SEQRA completed; Parts II & III to be completed at Public hearing. Public hearing scheduled for May 22th at 7pm. Mr. Reinhart received letters to send to the abutters.

Gregory & Gale Della Rocco-Cramer presented an application for a subdivision-One cut subdivision-does not need board approval.

Dorothy Verch made announcement regarding Library open house on May 18th and it is open to the public.

Richard Kurylo made motion to adjourn the meeting at 9:07 pm and Doyle Shaver, Jr. seconded the motion. All members present in favor.

Respectfully submitted,
Jennifer Bungay, Planning Board Clerk

