

# Town of Harpersfield Planning Board

Minutes: **September 25, 2024**

Present: D. King, W. Keller, F. Ciulla, A. Gallagher, D. Cole and D. Darling

Also present: L. Page, N. Brower, B. McKertich, A. Yagelski, Alyssa Marschilok, LonnieNickerson, Richard and Christine Bellinger, Robert Prush, Sue Fortier, Ted Dziewit and Joe Graves of Blue Wave Solar.

Chairman D. Darling called the meeting to order at 7 p.m...

Minutes of the August 28, 2024 meeting were approved as presented on a motion by F. Ciulla, with a second by A. Gallagher.

The public hearing notice for the continued hearing on the doggie day care was read and comments opened to the public. Alyssa Marschilok was present to answer questions.

D. Darling announced that the planning board had made a site visit.

When asked if there had been any changes since the visit, she there are kennels now, instead of cages. There are four kennels currently with room for five or six more. The dog waste will be given to Casella waste haulers and the hauler has agreed to pick it up with the regular garbage on a regular basis.

Neighbor Chris Bellinger asked about the nine Great Dane puppies and if it means there will be more dogs living at the site. Alyssa Marschilok said they intend to sell the puppies.

Lonnie Nickerson asked what had taken place that morning, with two dogs in a scuffle. She said two of her own dogs were fighting.

D. Darling asked if they are going to maintain a facility for the purpose of breeding dogs. She answered that those were her private dogs and not part of the boarding facility. D. Darling indicated they are all on the same site as the site that is housing the doggie day care. She said the puppies have been kept in the house and let out into another part of the yard away from the boarded dogs. She said they own 3 grown dogs with 10 puppies.

D. King asked if there is a plan on how to deal with dog bites, both for humans and other dogs. Is there a first responder plan and a veterinarian lined up. She said she has not worked that out yet.

He asked if there is anything set up for someone if they do get bitten by one of the other dogs. He was indicating names, addresses, contact information, etcetera. She said she will know the dogs and the owners. D. King indicated she should have written plan of action in place, so they aren't saying they don't know who owns the dogs and who the first responders will be for protection.

D. Cole said a plan is needed so that if two dogs start fighting, how it is going to be handled. She said they may have to buy some equipment to handle dogs that are fighting. She is waiting on approval before purchasing.

D. King said the planning board should have a plan of action they can look at for how they will handle injured dogs and injured people and how they propose to handle fighting dogs.

W. Keller said that is a good point. This is not the first operation like this in the state. There should be some organization that has some oversight, due to puppy farms and boarding kennels and stuff like you must said. I want to know NYS is overseeing this. If there isn't any oversight, there ought to be. I want you to research who is overseeing this stuff. If there isn't somebody, then somebody at the state level should be considering oversight.

D. King said she needs to write up a policy and procedure for the town to have on file.

Lonnie Nickerson asked if the approval will follow the property, should it be sold sometime down the road, if it is a commercial enterprise.

D. Darling said there are number of dogs. The addition of 10 puppies, even though they own them privately, are still on the site. They will be generating waste and adding to the noise. It sounds like a lot of animals there and they are part of the site, which we have to be concerned about. There needs to be something we can look at regarding the noise, which is already a concern with the 3 dogs there now. We need a safety plan.

A. Gallagher said he had called around and was unable to find anything governing such a facility. He asked if their personal, adult dogs would be mingling with the guest dogs? The answer was, possibly, depending on the temperament of the dogs.

D. Darling said he had another question related to noise. Is the building where the dogs will be boarded insulated for noise. Will the waste be picked up and collected from the yard on a regular basis? I feel we have to continue this public hearing.

D. King said the board feels it needs more information. He asked that she follow through and write down a procedure for person and dog bites and how she will handle dogs with dog bites. We need a specific outline of the procedure and an estimate for waste. You have to solve the questions we have. How many dogs you anticipate on a daily basis.

D. Darling said the planning board needs a little more accurate information before they can make a decision, including: an action plan for safety's sake; a plan for waste removal, some solid numbers. D. King suggested she put together a worksheet that includes the number of animals that could be on the site.

A motion was made by F. Ciulla, with a second by W. Keller, to continue the public hearing until the October meeting and that the applicant provide more concrete information to the planning board. Motion carried 5-0.

W. Keller said it is all related. You know the numbers. While the dogs are breeding and owned privately they have an impact on the commercial enterprise, with a solid plan on the whole system, it is all one site.

The meeting then moved on to the Blue Wave Solar Project C.

W. Keller referred to the minutes and the decommissioning plan in the middle of the last page where it referred to salvage value. He asked what does salvage cost means.

Sue Fortier spoke in reference to the Weaver Road Solar Project. She said for three weeks she has been listening to three pile drivers from 7 a.m. to 5 or 6 p.m., six days per week. She also showed a photo of flooding, however, she did not submit to the secretary, that is resulting from the project. The solar field has washed out her road two times now and the town road crew has had to come and fix it. This is what you put people through - 6 a.m. to 6 p.m., six days per week.

D. Darling said that if she feels there was a violation taking place, she should contact the town board.

B. McKertich said this project is not before the panning board currently and it is a code issue.

D. Darling reiterated she should go to the town board as the project is out of the planning board's hands at this point.

The meeting then moved on the the Bruce Hill Road C Solar Project.

B. McKertich said the design of the project is complete, with no more changes. However, there are a few outstanding issues - the road use agreement and the community benefit project agreement.

He has prepared resolutions for the SEQRA declaration and approval of the project, provided the planning board moves for its approval.

The Road Use Agreement will include a mitigation measure to protect the town roads that will be negotiated by the applicant and the town board, but incorporated as a condition set by the town planning board. He handed out copies of the proposal including the A, B and C projects which lists the roads and their length and included an analysis of the current road conditions, stamped by an engineer to provide the baseline conditions. It outlines if there is damage, what will happen, along with the other responsibilities of the company. It includes an escrow deposit to pay the cost for the town to hire an engineer to make the analyses. He also referred to 8a of the Bonding section and sections 9-11 the Indemnification and Insurance and Limitation of Liability.

W. Keller asked if it includes the traffic caused when hauling materials out after the decommissioning.

B. McKertich said the decommission plan is a different plan.

A. Yagelski said he did meet with Russ Hatch earlier in the day. During really hot weather, the oil from the roadway leaves the pavement and it can be ripped up by tires. Fine crushed stone (sand) can be spread to keep the tires from picking up that stone. It is not considered a "show-stopper". It calls for a third party to help manage the oversight and monitoring of the roadways. He said Hatch is very familiar with the frost out periods and its impacts on the road.

The Host Community Benefit Agreements, one for each project, A, B, and C were handed out. They are separate but all the same. It lists the potential impacts \$16,666.66 x 3, or \$50,000. It is not required by the town's site plan review law, but it can be negotiated by the applicant. It will be up to the town board, but will appear as a condition attached by the planning board.

A. Yagelski then reviewed the Decommissioning Plan. The secretary does not have a copy of this plan.

There is an issue with the salvage value. When he first received the plan, it did not exclude salvage value. The engineers did not know the value of some of the things, so they considered the worst case scenario valued at \$300,000. In negotiating with the applicant, he said they found some common ground. They agreed to exclude the salvage value on number 4 using an end of the day scenario that may never occur over the 35-year lifespan of the project. There is no really good way to know what exactly it will be in the future. It will be an upgrade for this site and this location.

W. Keller asked A. Yagelski to footnote it and the methodology that was used to obtain the figures.

R. McKertich said this is part of the decommissioning. This the security. The applicant is responsible for costs, no question. This is a worst case scenario using a reasonable figure. It is triggered to consider inflation at 2.5 percent per year until the decommissioning with a review in three years and then every five years. The plan does lay out the methodology and it goes with the land.

D. King asked if there is a time frame, such as an abandonment period, with a definition of abandonment, that would trigger a decommissioning, such as 12 months, with an update period of every 12 months.

A. Yagelski said it is pretty standard as a plan.

R. McKertich said there are questions over decommissioning and road conditions.

W. Keller said the review could be tacked on if they feel it is necessary.

A. Gallagher said the technology for vehicles and roads in 30 years could be much different, it is difficult to predict.

D. King asks if notification could be made to the town if operations go down for whatever reason. Is there a time frame in which they need to notify the town.

A. Yagelski said they typically get an Emergency Response Plan to be negotiated by the fire department. He will add a condition that if there is a problem where the site is not operational for 30 days, the town needs to be notified.

He recommends an Emergency Operations Plan to be worked out with the owner prior to issuance of a building permit and issuance of a certificate of occupancy.

R. McKertich said the plan has been reviewed and the next step is to go through the Environmental Review, Part II of SEQRA. The full environmental impact study was reviewed at the August meeting. Item number 11 on Page 7 where it references open space and recreation. A. Yagelski checked yes, along with a narrative that encompasses the board's SEQRA Review.

It addresses Bruce Hill Road C specifically, then it goes into the accumulative impact of all three sites.

There are a few categories that impact all three. There is impact on the land, with the main impact related to the construction activities.

A. Yagelski reviewed his narrative with the planning board members.

Construction can take place from 7-5 only during weekday, not on weekends.

The record shows that on Page 18, at 15 b of the SEQRA Notice of Determination it should be: The Blue Wave C Project will not result in blasting - should read no blasting, with the word no added.....

\* A motion approving the resolution adopting a negative declaration on Solar Project C and the accumulative impacts of A and B was approved and was made by W. Keller, with a second by D. King. Motion carried 5-0.

\* A motion to approve the resolution issuing site plan approval for the Bruce Hill Road C Solar Project with the noted changes was made by D. King, with a second by A. Gallagher. Motion carried 5-0.

The condition will add D. King's recommendation to have a notification clause.

W. Keller said they are doing something that is impact town residents in the future and he wants a condition in there regarding the cost and wear and tear on the roadway unless they plan on flying the materials out of there.

Prior to decommissioning of the site the applicant and the town board will come to an agreement similar to the one to be referenced. The planning board will leave it up to the attorney to negotiate that agreement.

The filing of the decommissioning plan with the county clerk will be changed from 30 to 60 days.

\*A motion was made by F. Ciulla, with a second by W.Keller to amend Project A, approved by the planning board last year, adding the road use and community host plan ant to extend the construction deadline to Sept. 25, 2025. This resolution justifies the extended application. Motion carried 5-0.

\* A motion was made by W.Keller, with a second by F. Ciulla, to amend Project B, approved by the planning board last year, adding the road use and community host plan and to extend the construction deadline to Sept. 25, 2025. Motion carried 5-0.

D. Darling announced that after research by the town attorney is was discovered the public hearing for the Verizon project was not properly announced and the town needs to send notices to all the adjoining landowners and readvertise the public hearing.

\*A motion was made by D. King, with a second by F. Ciulla to redo the public hearing for the Verizon project. Motion carried 5-0.

On a motion by W. Keller, with a second by D. King, the meeting was adjourned at 10:23 p.m... Motion carried 5-0.

Respectfully submitted,  
Liz Page

Recording secretary