

GERMANTOWN PLANNING BOARD  
MINUTES  
SEPTEMBER 26, 2024

The meeting was held at the Town Hall with the following members in attendance: Chairman Garrett Montgomery, Kerrie Abela, Jennifer Crawford, Benjamin Davidson and Lauren Williams. Town Attorney Corinne Smith and Town Engineer Adam Yagelski were in attendance.

The meeting was opened at 7:00pm.

Pledge of Allegiance

The minutes of August 29, 2024 were reviewed and on a motion by Ben, seconded by Lauren, with all in favor and none opposed were accepted with the following amendments: page 1 change 22 to 20, add Jen Crawford recused from application after vote of Reformed Church, and page 2 Decommissioning to Road Use Agreement, and SWPP to SWPPP.

**Public Hearings:**

**Twin Ponds Solar, LLC:** Jutta Middel of Renua Energy and Chad Dickinson Managing Director of Free State Solar returned before the board for the continued review of the application for a Site Plan and Special Use Permit for a proposed ground mounted community Solar Farm at 708 County Route 8. Jutta Middel provided a brief overview of the proposed project stating that the 5mw Solar Farm will serve 800 homes in the county, will be located beyond the pond where cupola is located and be situated on currently farmed property, the pole location has been moved back so that no poles will be on the road, all documents and plans can be viewed on the town website. Business cards and calls for questions were offered by Jutta Middel.

Chairman Montgomery stated that this is the initial Public Hearing for the State Environmental Quality Act and the board will accept comments concerning potential adverse environmental impacts with a three-minute timed allotment.

Attorney Smith confirmed the description of the Public Hearing so that all comments or written statements should only be made to that subject, instructed all who wish to comment to sign in, confirmed the town accepted written comments and that no rude behavior will be tolerated.

Chairman Montgomery added that during the comment session questions may be asked to the Town's Attorney and Engineer, no "back and forth" comments or questioning and that all in attendance should be cordial.

Motion is made by Ben to Open the Public Hearing, seconded by Kerrie, with all in favor and none opposed.

The following comments were received:

- **Chelsea Buttner:** opposed and stated; will construction disrupt water and pond, wildlife habitat be destroyed, who will oversee hazardous materials, lifespan of solar farm is not listed in decommissioning plan and who is responsible for this and the removal of hazardous material, destruction of soil, months of noise and the hours of construction from 6am-6pm, air quality and that her home is close to the road and damage could have negative impacts to her property and home and showed a graphic of proximity of her home to site of solar farm and road.
- **Mimi Brauch:** opposed and stated; concern of water contamination, water table is too high, her property abuts site of solar farm and concern for noise and air pollution during long construction hours, large

trucks for construction could compromise her foundation, no alternative access road to solar farm site and the relocation of many wild animal.

- **Antonio Giammarino, Jr.:** opposed and stated; concern for water contamination, decommissioning plan in town ZSL requires auto renewal and who will be responsible for that, what company is being used for loan, annual renewal is not the same as auto renewal of any plan, concerned that there is no history of this company with a project like this and what is their experience as other companies listed report bankruptcy.
- **Antonio Giammarino** read notes of father-in-law Frank Barzial: opposed and stated; well water contamination concerns, the site of the solar farm will ruin his view.
- **John Salerno:** opposed and stated; asking the board for a Positive Declaration resulting in the immediate study of the Comprehensive Plan to be conducted, there is a clear violation of the Clean Water Act which allows the citizens to file law suits that will result in a fine of \$37,500 a day, has proof that the applicant admits contamination will occur in their own Decommissioning Plan Section 3.2 contamination can occur during the removal of project components, ground erosion and sedimentation until ground cover is reestablished, stated he feels the applicant withheld information in their first submitted Decommissioning Plan, shared a photo of Route 8 and location of underground water and storm water runoff, and stated an Environmental Study should be conducted or turn down the application.
- **Steve Cira:** opposed: submitted a video of Silt Contamination of Water Supply in Texas to be played that showed damaging effects of flood plains and habitat destruction, and he added to please relocate the solar farm as it is in view from his property and his concerns also include drinking water contamination.
- **Santiago Suarez:** opposed: created and submitted a video that was played describing the area as the wrong location for the solar farm and compared/suggested an area that “was the right fit” like the commercial corridors in Hudson, NY, the location of site plan is a residential and farming area, fencing and trees should be placed as barrier, showed graphic of his property location and his view of the solar farm and stated that the trees they plant will never mature in time to block his view of panels and “who will preserve this”.
- **Rachel Hubbard:** opposed and shared photos describing 5 ponds not 2 located on surrounding properties, location of homes, wells and description of the ponds being created due to water being so close to the surface and for all run off of water that flows form other properties, pipe runs under County Route 8 to the Roeliff Jansen Creek and considers this to be the worse location for the placement of solar farm.
- **Larry Ramos:** opposed and stated; concerned that size and amount of construction vehicles will ruin his foundation and he is a neighbor and no one contacted him.
- **Francesco Barzial:** opposed and stated; no one told him about the project until tonight, solar farm will ruin his view.

There were no comments received from the Zoom audience.

Written Comments were received from; Marie Louise Brauch, Chelsea Buttner Ramos, Mario Ramos and John Salerno, copies were reviewed by members of the Germantown Planning Board and filed in the application.

Motion was made by Ben to close the Public Hearing, seconded by Kerrie, with all in favor and none opposed.

Planning Board members continued their review of the application and discussed the following:

- Member was impacted by the water comments and asked engineer for input which included: wetland delineation, DEC visit and no issue in water table, subsurface factors, construction factors and to look at conditions, suggested a Geotech report and drilling factors and for applicant to propose water well monitor and to monitor construction as abutting owners are involved.

- Landscape Maintenance Agreement and bond for life of project, vandalism maintenance, description of “act of god” is not clear and will it cover from start of project at installation until conclusion and screening concerns and the Towns Engineer stated that if project is approved the board can add conditions to the landscape maintenance agreement.
- Member questioned if Geo Tech will monitor construction, how much drilling and when does it happen and how.
- The Continuation of water impacting surface, land disturbance, winds/rain move things, no control measures, SWPPP and acreage that is part of state system and clean water act, develop and implement plan with DEC, up to 5 acre disturbance, waiver to prevent contamination, SPDES-state program, need to develop plan for discharge of pollutants, need for stabilization, requirements for during and post construction for quantity discharged and quality of water, SWPPP Hydraulic Analysis to be sooner.
- Type I vs Unlisted action, Ag Zone and its importance, water, fencing and sheep grazing, pollinator, height of panels.
- Glare Assessment- morning, evening and seasonal.
- Increase of perception of “bowl in valley” of location and the concern of run off and will that be contained in the E.I. Study.
- Debris and damage to road, schedule of work hours and days, no holidays and weekends to be worked to be added to the road agreement.

Applicants responded to comments and concerns of the board and discussed the following:

- 3ft height, 5 species with more varieties available and white clover for planting mix, mowing once a year after frost.
- Modifications to O &M and email conversation with Fire Marshal were submitted and put in electronic files online and suggestion for all to view Data Room online of all documents and maps.
- Applicant unaware they were to commit to sheep run as local farmer usually do sheep grazing.
- Solar Glare assessment submitted- anti reflective and is designed to “capture” and zero impact to neighbor on current plan.
- Process is to clear land of all grasses, cannot have roots or it voids warranty, will seed after construction and referred all to review page C200- heavy dashed lines.
- Analysis of site put into place for 100-year storm.

Chairman Montgomery stated there is a lot to consider and that the review will continue and thanked all who commented and attended.

**Tracy Martin:** returned before the board for the continued review of a Site Plan Review and Special Use Permit for a proposed Tavern serving: beer, cider and wine at her property located at 3 Church Avenue. The applicant stated she previously submitted all requested documents and is in the process of applying for a NYS liquor license and will complete should her application be approved and that she will annually renew her parking lease with the Church.

The board continued their review of all submitted documents, confirmed receipt of Columbia County Planning Board determination that they found no significant county-wide or intercommunity impacts. The board previously declared themselves Lead Agency and proceeded to review Part II and III of the Short Environmental Assessment Form and on a motion by Chris, seconded by Ben, with all in favor and none opposed made a negative declaration determining that it received no evidence of significant environmental impacts.

Motion was made by Ben to open the Public Hearing, seconded by Jen, with all in favor and none opposed.

No written comments were received.

No public comments from the zoom attendees: at 8:52pm, 8:53pm and 8:54pm.

One comment was received from the audience:

- Tony Albino- asked if the applicant had a Liquor License and if plans for food preparation were reviewed by the Department of Health and was answered that the NYS liquor license application will be completed upon approval of the board and there is no kitchen at location and pre packed food will be offered.

On a motion by Kerrie, seconded by Lauren, with all in favor and one opposed the Public Hearing was closed.

On a motion by Ben, seconded by Simon, with all in favor and none opposed the board approved this application for a “Bar/Tavern” with the following conditions:

- That the applicant obtains a NYS liquor license
- That the applicant obtains Department of Health approval.
- That the applicant provides and maintains enough parking to meet compliance with any and all applicable regulations.
- That the applicant prepares a final indoor/outdoor site plan and seating capacity and provide a copy to the Germantown Planning Board.
- That the applicant returns to the Building Department for further instructions.

There is no New or Old Business to review.

**Other Business:**

- Training for members of the GPB and ZBA and their alternates will be held November 2 from 1-3 at the Town Hall.
- Meeting dates were discussed for October, November and December. Motion was made by Kerrie, seconded by Ben, with all in favor and none opposed to accept and post the new meeting dates of the GPB as:
  - November 7, 2024
  - December 12, 2024
  - And to cancel October 31, 2024 and December 21, 2024

On a motion made by Jen, seconded by Lauren, with all in favor and none opposed the meeting was closed at 9:05pm.

Jami L. DelPozzo-Planning and Zoning Secretary

