

**Town of Greenport Planning Board  
Meeting Minutes for December 27, 2016**

The Planning Board meeting of December 27, 2016 was called to order at 7:30 by Chairman Stiffler. He began with sending condolences on behalf of the board to John Florio's family, friends and acquaintances. We then proceeded with the Pledge of Allegiance. There were 9 people in attendance. Present:

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| <input checked="" type="checkbox"/> Edward Stiffler, Chairman      | <input checked="" type="checkbox"/> Paul D'Onofrio, Member        |
| <input checked="" type="checkbox"/> Robert MacGiffert, Co-Chairman | <input checked="" type="checkbox"/> Sandy Kipp, Member            |
| <input checked="" type="checkbox"/> Michael Bucholsky, Member      | <input checked="" type="checkbox"/> Ray Jurkowski, Engineer       |
| <input checked="" type="checkbox"/> Virginia Benedict, Esq.        | <input checked="" type="checkbox"/> Jennifer Pinkowski, Secretary |
| <input checked="" type="checkbox"/> Genevieve Trigg, Esq.          |   |

Sandy Kipp motioned to approve the minutes of the November 22, 2016 meeting. The motion was seconded by Mr. Bucholsky. All in favor, and carried.

**Old Business:**

**Colarusso Haul Road** – Mr. Prendergast and J.R. Hefner were present on behalf of Colarusso's. Mr. Prendergast gave an update stating that they were still working with DEC for the permits for the South Bay Causeway. They have addressed DEC's comments and DEC is waiting for the SEQRA review before issuing the permit to work within one hundred feet of the wetlands. That permit will cover work at the 9G intersection and the South Bay Causeway. The only other permit that they are waiting for is from DOT. Mr. Prendergast had spoken with Mr. Visconti today and expects his review to be complete some time next week. Chairman Stiffler confirmed that will be for both the crossing on Route 9 and 9G and Mr. Prendergast confirmed that is correct. Mr. Prendergast stated they are giving monthly updates to the City of Hudson Planning Board. They received some comments from the Town Engineer and that he was looking for a project narrative with copies of all correspondences.

Chairman Stiffler referred to page 9 – C, near the end of the Haul Road station, stating that it indicates that the road work ends at the existing paved surface. Chairman Stiffler wanted to clarify that the board is not looking at anything on the dock, and Greenport's SEQRA Review will be from that point back to the Newman Road facility.

Ray Jurkowski noted that his office generated correspondence that outlined general comments regarding the Site Plan, Storm Water Pollution Prevention Plan and the EAF. In regards the narrative itself, he would like to see Mr. Prendergast expand upon that narrative to provide more detail for each topic to make it easier to read and understand for the Planning Board and the general public. He requested a meeting during regular Monday office hours to discuss exactly what they are looking for. Chairman Stiffler stated that this Monday the office would be closed for the New Year's Holiday but the following Monday would work. Mr. Jurkowski and Virginia Benedict, Esq. will be in attendance as well. The time was set for 9:00 a.m. A member of the audience then asked if the public could show up at this meeting at 9:00 a.m. The board stated no, this it is not a public meeting.

Mr. Bucholsky asked Mr. Prendergast how the current mining permit interacts with the towns review. Is this a modification to the permit that is in place right now? Mr. Prendergast stated that this is not a modification to their current mining permit. Mr. Jurkowski asked if they had spoken to DEC about this and Mr. Prendergast replied that he has spoken to Trish Gabriel about this. Mr. Bucholsky requested a letter from whomever issued the mining permit to show that. Chairman Stiffler stated that a letter or an email would be acceptable.

Mr. D'Onofrio commented that he had taken a tour of the Haul Road.

Virginia Benedict, Esq. stated that she agreed a letter would be a good idea to have for the mining permit and also stated for the general public to clarify, the Planning Board Chairman does have hours in the office but it is not an open meeting that occurs. It consists of the Chairman and one other member that is there, and there is no open meetings requirement for that, and additionally whenever she is present, it would be considered an attorney client privileged meeting.

Chairman Stiffler asked if any members are interested in taking a tour, cautioning that there are to be no more than two members at any one time. All of the other members stated that they were interested in attending.

Chairman Stiffler clarified the process that will be taken for this application, noting that the application has not yet been accepted as complete. The board will be having a Public Hearing hopefully at the college where there will be enough room to accommodate everyone that is interested in speaking. There will be advanced notice of the meeting in the newspaper so the public will be aware of when and where to attend. The board will be allowing for oral and written comment. At the end of the Public Hearing, there will be a seven day period to allow for any additional written comment. Once that is complete the board will then have met their obligation to get input from the public and would then move on to the review of the EAF. Virginia Benedict, Esq. stated that anyone who would like to make a public comment will need to sign in and each speaker will be allotted five minutes for their comment. She recommends that if someone feels they cannot say what they would like within the five minutes, they should submit their comment in writing within the time frame set. Chairman Stiffler added that a stenographer will be present and a full transcript will be available within a couple of weeks of the Public Hearing.

It is noted that there were several written comments received during the meeting for Colarusso's Haul Road and prior to this night's meeting.

An audience member asked if there would be an opportunity for questions and comments tonight. The board replied no. They asked about number ten on the agenda that states Public Comment. Chairman Stiffler explained that is for comments on anything other than the projects previously discussed. It was noted that the Public Comment is at the end of every meeting.

Attorney Mitchell Khosrova was present on behalf of the City of Hudson. He said that he wasn't sure they were in agreement with some of the comments just made and thought some things should be included in the board's review. He asked what process he should follow to make sure he can get that information to the board before proceeding. Chairman Stiffler stated he could put them in writing and could submit them tonight if he would like. Mr. Khosrova was concerned that the board is not considering the dock as part of their SEQRA Review and wanted to get that information to the board before the review. Mr. Khosrova asked if Chairman Stiffler was familiar with segregation in SEQRA and Chairman Stiffler stated he was very familiar with it. Mr. Khosrova feels that just because Colarusso didn't word in the application that the dock was part of it doesn't mean that is exempt from it because that entire zone is part of the review. Virginia Benedict, Esq. stated that they had no authority to look at anything that is not part of the application. Mr. Khosrova asked if the board could have a coordinated review with the City of Hudson. Virginia Benedict, Esq. stated that a coordinated review with Hudson is part of the plan. Mr. MacGiffert reiterated that the board doesn't have a full application yet and the process has not officially begun.

**Dziubelski Apartments** – Christian Moore from Casey Engineering was present on behalf of Dziubelski Apartments. Mr. Moore provided a packet to the board members stating he doesn't expect comment or review of it at this time. He stated that he has included permit updates, DOT technical letter of completeness,

wetland permits, the Columbia County Health Dept. approval and a short EAF. Chairman Stiffler asked about the Ag-Data statement. Mr. Moore stated when he looked at the map it didn't appear that their property wasn't within the AG-7 District. Chairman Stiffler stated that if it's within 500 feet it will require a statement. Mr. Moore stated that Ernie Martin is still working to set up a meeting with the Fire Chief and requested that the board set the Public Hearing for this project. The board didn't feel that had enough information yet to deem the application complete. It was noted that the escrow money has been received. Mr. Jurkowski stated they should also provide the DOT Permits and any other updates that haven't yet been received. Mr. Bucholsky established that it would have to go to county as well.

**TRG Property Management** – No one was present on behalf of TRG Property. This is the fifth meeting without representation.

**Verizon Wireless Lorenz Park Communications Facility** – Scott Olsen and Hyde Clark were present on behalf of Verizon Wireless. He stated that he understood they were on hold so the Planning Board could look into the deed restriction on the property of the water tank and asked where they stood on getting a Public Hearing Set. He expressed concern over the time restrictions set by the Federal Communications Commission. Virginia Benedict, Esq. gave an update on her research for using the Town's Water Tank for the tower. She reiterated that during the October meeting it was brought to the board's attention that the town's property was a potential location for the tower. The board asked that she look into that deed to see release it so the tower could be put on Greenport property. She agreed to look into and Hyde had given her a copy of the title report. Virginia Benedict, Esq. found that there would be eight owners that would need to release the deed restriction. She also stated that according to their company policy the criteria they use for choosing a location was first they look for co-location, second priority is a municipally owned property and if those aren't viable options, third is private property. The Town of Greenport would like for Verizon to go to the property owners to find out if this is feasible. Mr. Olsen stated that it should be looked at who has the responsibility to look at this since two years ago they brought this to the town board and they had no interest in it. Mr. Bucholsky asked that he work with the town to attempt to get the release from the deed from the property owners. If they find that there are property owners who are not cooperative than we can move on from there. Chairman Stiffler stated that this application was put on hold when the suggestion was made to look at the water tower and Hyde agreed with that. If the answer to the deed restriction comes back as no, then the board will move forward with processing the application. Mr. Olsen said that he will bring this to his client and come February they will decide if they want to continue or not. Chairman Stiffler also noted there was a fee due and as far as the board was concerned the application has not yet been deemed complete. Mr. Olsen feels that Verizon had already spent thousands of dollars trying to work on this lease with the town board two years ago and the board had no interest in it then so Verizon no longer considers this location a viable option. Chairman Stiffler stated he has no information regarding those meetings and asked what it was about. Mr. Olsen stated that two years ago they were negotiating with the town board, specifically Attorney Jason Shaw and the supervisor. They were going to work out a lease and at that time ran a title search and found the deed restriction. Verizon stated that they wouldn't proceed unless the restriction was released and the town board never got back to them. Chairman Stiffler stated that if the water tank is ruled out, the application for the site on Apple Meadow Road will be processed. Chairman Stiffler deferred to Virginia Benedict, Esq. She stated if the applicant isn't willing to look at that release she would ask that the applicant put that in writing to the board. Mr. Olsen said he would speak to his client about it. It was noted that the \$500 cell tower fee would be required and more would be needed for the escrow. Mr. Olsen will notify the board by January 9, 2017 on how Verizon will proceed.

**Ed Harkins** – Mr. Harkins was present. Mr. Harkins noted that they have submitted the drainage map. It was noted that new stamped plans have been received. Mr. Jurkowski stated that it would be just a storage building with no water or sewer. Just electric for lighting. There is no change as far as the drainage.

Mr. Bucholsky motioned to accept this as a diminutive change with no further Site Plan Review. The motion was seconded by Mr. D’Onofrio. All in favor, and carried.

#### **New Business:**

**Affordable Self Storage of Hudson** – Brandee Nelson and Darlene Bell were present on behalf of Affordable Self Storage. Ms. Nelson gave a description of the project, stating that it would be 4.6 acres located behind Fairview Cleaners. The parcel is undeveloped and it has a Greenport sewer easement. They are proposing an entrance off of Kipp Lane. The unit will be just under 17,000 square feet, with climate control. There will not be an office so they will only need electric for lighting. There will be a 25 foot wide driveway that would extend along the west side of the building with a gravel turn-around. It will be fenced in with a six foot chain-link fence. There will be a keypad entry with a sliding gate. The sign will be placed at the southeast corner set back 20 feet from the property line. There are wetlands. Mr. Jurkowski asked for flagging to be shown on the map. Chairman Stiffler asked if it was a DEC Or Army Corp wetland and Brandee replied it’s an Army Corps wetlands. Ms. Nelson stated at the end of the driveway they are proposing a gate that opens for snow storage and plowing. The lighting will be on the west side to screen it from the mobile home park, and a pole mounted light at the keypad entry way. They will be LED Lights.

Sandy Kipp stated for the record that she was an abutting property owner and she did have a concern with this project. She said she was confused as to who the owner was as Mr. Baright contacted her to say he purchased the property but the applicant is listed as Mr. Droege and Brandee is referring to the owner as Mr. Baright. Brandee stated that Mr. Baright is under contract to purchase the property which is why he isn’t listed as the current owner, however they did include an authorization letter from Mr. Grose for the application. Ms. Kipp also stated that Mr. Baright had told her that the building would be down to the left, not right on the edge of the property line. Brandee Nelson stated that they had originally looked at that area but it was too close to the line of the area that was able to be developed so to minimize impacts it was moved.

Sandy Kipp asked if the board would like her to step away. Chairman Stiffler asked if the board, the applicant or the audience had an issue with her continuing. Mr. MacGiffert feels when they get to the Public Hearing she should recuse herself so she can state her concerns. Ms. Nelson thought that Mr. Baright was in regular communication with Ms. Kipp to work with her. Howard Miller thought that Sandy should recuse herself since she did have an issue with this project. Chairman Stiffler recommended that Ms. Kipp set up an appointment privately with Ms. Nelson to discuss what issues she may have and then when it comes time to vote to recuse herself at that point.

Mr. D’Onofrio asked how public traffic can go into this storage facility when this is a private road. Ms. Nelson replied that her understanding was that there is a right of way to allow access to this parcel for its use. Ms. Kipp asked what is to stop traffic from continuing through and driving within the park roads. Ms. Nelson stated that the distance from the property line to the main road is much shorter than going through the park and most people will take the path of least resistance. There was discussion as to posting a “No Right Turn” or

“Private Road Beyond This Point” sign. Mr. Bucholsky asked about a SWPPP report. Ms. Nelson indicated that she didn’t believe it was required. Mr. Jurkowski stated that was a recent topic in another town and upon contact DEC, Jamie Malcom indicated anything above .9 would require a SWPPP report.

Mr. D’Onofrio asked if the movement of the building has been discussed with the water and sewer department. Ms. Nelson stated they have not yet as they were doing this part first. Chairman Stiffler pointed out the size of the sign is very large (10’ x 12’) and asked if it needed to be that large. Ms. Bell stated that is was to draw attention to the location as that is something they’ve had issues with in the past, and that road in particular is difficult to detect. Mr. Jurkowski asked if the drainage easement is for this property and Ms. Nelson stated she would need to check on that. Mr. Jurkowski also noted that it looks on the plans that the fence stops in the back, but she had stated that it wraps all the way around the facility. Brandee stated that it comes around to the back and stops at the wall, which is the back of the building. There are no doors on the back. Ms. Kipp also noted that the lands along the back are incorrectly noted on the plans as they are not an estate land. Chairman Stiffler also asked about the sign and the electronic message center. He wanted to know if that was really necessary for the identification of a business. Ms. Nelson stated that the owner indicated it was for the ease of management to change the messages on the sign, such as holiday messages or special deals. Mr. Jurkowski requested that Brandee consider a different type of lighting to make them more down-lit to help reduce glare. Ms. Nelson noted that there is some light spillage onto the private road and they perceive this to be an important safety aspect so vehicles can be seen, but they would like to make sure this is acceptable to the board. Mr. D’Onofrio stated that it would depend on how high they would be mounting the light fixture. Mr. Jurkowski stated that they may want to consider shifting everything to the northwest slightly so that the building can be located deeper into the site and the access point could be moved further in instead of right at the road way. If there is a keypad letting vehicles into the gate, it would keep bigger vehicles from hanging out into the road while they’re trying to gain access. Mr. D’Onofrio asked if this is the beginning of a larger project. Ms. Nelson responded that though there is room for additional buildings the owner feels this is good for at least the next five to seven years, there isn’t any near term plans for anything further. Chairman Stiffler asked if Brandee could show on the plans what a maximum build out would be. She responded that she would need to discuss that with her client to see if he wanted to do that on a formal application. Chairman Stiffler stated that his consideration was that he could see where more buildings could fit and that what necessitate more driveway cuts and he would like to see where they would be. He then deferred to Mr. Jurkowski in the concern of the private road issue. Typically the board would check with the highway dept. to determine if anything else would be needed but what happens with this being a private road. Mr. Jurkowski stated that the highway dept. would have no jurisdiction here. The applicant would still have to look at site distance but instead of going to the highway dept. all that information would need to be submitted to the planning board. Chairman Stiffler recommended they begin the process of contacting the fire chief and having him review this. Sandy Kipp asked if she could be present when that takes place. Brandee said she would ask. Mr. Bucholsky reiterated that it would be in their best interest to start working on a SWPPP. Brandee will resubmit the plans with the edits at least 15 days prior to the next meeting.

#### **Old Business:**

**Sunstream Solar** – Brandee Nelson, John Privitera and Joe Gersuk were present on behalf of Sunstream. Genevieve Trigg, Esq. stated that at the last meeting the board went through Part II of SEQRA EAF and determined there were no to small impacts, which authorized her to prepare a Negative Declaration and the Resolutions to adopt the Negative Declaration. She stated that the applicant has agreed to install six Norway Spruce Trees to mitigate the visual impacts, and to maintain the trees for up to ten years. They have

additionally agreed to post escrow in the amount of \$7,000 above the cost of planting, which is quoted at \$26,000 for a total of \$33,000. That is subject to the town board's approval. Also, the applicant has agreed to post financial security for the removal of utility poles in the form of a site plan bond, so that in the event that the solar farm ceases to function and the applicant does not remove the poles the town would then have a source of funding to do that. That total is \$34,387.

Ray Jurkowski read the Resolution for the Negative Declaration. Chairman Stiffler asked for a motion to approve the Resolution. There was no response. He then asked for a motion to not approve the resolution. Again there was no response. Mr. D'Onofrio asked for a few moments to discuss this in Executive Session. Genevieve Trigg, Esq. stated for the record that the board has an obligation under SEQRA with no adverse effects found, to vote on it.

Mr. D'Onofrio motioned to approve the resolution. The motion was seconded by Sandy Kipp. A roll call vote was read by the secretary. Paul D'Onofrio voted yes. Sandy Kipp voted yes. Michael Bucholsky voted yes. Robert MacGiffert voted yes. Chairman Stiffler voted yes. All in favor, and carried.

Genevieve Trigg, Esq. stated that now that the board's SEQRA obligations are complete they may act on the application, noting there is a resolution before them to approve the amended site plan from Sun Stream. Genevieve Trigg, Esq. read the resolutions. Chairman Stiffler asked for a motion to approve the Resolution. There was no response. He then asked for a motion to not approve the resolution. Again there was no response.

9:34 p.m. to 9:50 p.m. The board went into Executive Session.

Upon return from Executive Session Chairman Stiffler asked for a motion to approve the Resolution.

Sandy Kipp motioned to approve the resolution. The motion was seconded by Michael Bucholsky. A roll call vote was read by the secretary, with the request of a brief explanation from each member. Paul D'Onofrio voted yes, stating he felt that through the training they've received they realized bonds could've been set that weren't and he votes yes because the town would be hurt more by the litigation that would follow. Sandy Kipp voted yes, stating she is for the solar field but is not happy with the deception that the eleven poles were not put forth for the board to appropriately vote on. She also didn't appreciate the blame laid on the planning board for the modifications that they made. Michael Bucholsky voted yes, stating that he would like to see the carbon footprint reduced as much as possible, however he isn't happy when a project uses politics to intimidate the planning board. He also feels the applicant and the various engineers should have known the site plan laws for the Town of Greenport and should not have tried to twist it to their benefit and get around them, as well as pressuring the board with their financial concerns and threats of lawsuit. On the project itself, he is in hopes that in twenty years when the project outlives its usefulness that the solar fields do not end up being eyesore for the community. Robert MacGiffert voted yes, stating that this board has been accused of dragging our feet on this project, however if an applicant makes changes to stamped plans, with any planning board, the applicant is required to go back and apply to amend the original plans. This board would be remiss if we did not review this as required by the town law. Had the applicant come to us when they made the changes, we could have had the opportunity to review other options and come up with a more favorable way to hook the solar field to the grid, likely at a lower price. The Town of Greenport went on record years ago as not being in favor of PILOTS for any projects, yet Sun Stream applied for and received an agreement from the County for a one-time sales tax payment of \$20,000 to be divided between all the towns within the county.

Greenport received a little over \$900 with Kinderhook, Hudson and a few others receiving more than Greenport. Dynamic Energy of PA were hired to construct the field, and he doubts there was any local employment. The town or the county garners no benefits from the electric generated and our only claim to fame is we have a solar field in our town and county. He states we have been threatened by lawsuits against the town and the board many times through this process if it wasn't approved by December 31, 2016. He does not feel this is fair to the people who pay school and property taxes in this town, particularly the residents who have to look at this eye-sore every day. Chairman Stiffler stated that two years ago they received a well prepared site plan application with a single line leading to a single pole. When asked how they would connect to the grid the reply was one pole. Underground and one pole. He feels the board was misled as this is not the first project that they have undertaken, and for whatever reason we became the victim of a bully. The site was ideal and nearly shielded from traffic. And to our surprise, they go by one day to find a series of erected poles. And then to have a representative of their company come before the board with two attorneys and threaten the board with lawsuits was uncalled for. There are four members of the board and two councils that he is very proud of for the job they did. This could have been a project that everyone was proud of. Chairman Stiffler voted yes because the law that he believes in says that the applicant has proven their case, but it was the toughest decision he has made. Chairman Stiffler stated that there are conditions attached that he will make sure are followed. All in favor, and carried.

Joe Gersuk spoke stating that he appreciates the difficulty of the job he has and apologized for all that has happened here. He stated there were mistakes along the way that he regrets. He promised that all of the conditions will be met and all the fees will be paid. He said that these panels are slated for 25 years and when the time comes they will be replaced so that the project can continue on. There will be no albatross on the town in future years.

John Privitera also thanked the board for all their hard work on this project. He stated that the financial company that was here at the last meeting did find a way to stretch it to the closing that they didn't see on paper. He thanked the board for their work and the resolutions for tonight.

#### **Other Business:**

**Bopp, Barca, Barca & Grabowski** – Chairman Stiffler gave an update, stating that the Plats were stamped December 12, 2016.

**Ann Onet** – Chairman Stiffler gave an update, stating that the Plats were stamped December 19, 2016.

**Public Comment** – Christopher Johnstone and Tom Burke both thanked the planning board for doing all they could to put Sun Stream on the correct path and working under pressure of threat. They requested that Sun Stream consider, in the future when they are financially stable, to find a way to put the poles underground.

Mr. D'Onofrio requested to conclude the meeting with a moment of silence on behalf of our building inspector, John Florio.

Mr. MacGiffert motioned to adjourn the meeting in Memory of John Florio. It was seconded by Mr. Bucholsky. All in favor, and carried. 10:10 p.m. Meeting adjourned.

Chairman Stiffler requested the minutes of our meeting being forwarded to the wife of John Florio, recognizing that this meeting was adjourned in John's memory.

The next regular Planning Board meeting will be held Tuesday, January 24, 2017, at 7:30 pm.

Respectfully Submitted,

Jennifer Pinkowski  
Greenport Planning Board Secretary

cc: Edward Stiffler, Chairman  
Sandra Kipp  
Robert MacGiffert  
Paul D'Onofrio  
Michael Bulcholsky  
Ray Jurkowski

Attorney Virginia Benedict  
Town Clerk Sharon Zempko  
Building Inspector's Office  
Fire Chief Gary Mazzacano  
NYS DOT  
Columbia County Planning Dept.  
Rapport Meyers (Via website)