



"The Heart of the Park... Where the Eagle Soars"

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**Town of Shandaken Planning Board
Minutes for Regular Monthly Meeting
October 8th, 2025**

The regular monthly meeting was called to order with the pledge of allegiance at 7:00 pm.

Roll called by Secretary to the Planning Board Olivia Amantia, and attendance was recorded as follows:

Cliff Rabuffo, Chair	Present
Joanne Kalb	Present
Allen Shiner	Present
Sam Spata	Present
Vivian Welton	Present
Juan Rosales	Present
Chandra Valianti	Present
Tania Stapelton (alt)	Present

Roll Call Summary: 8 Present, 0 Absent

Others Present: ZEO Grace Grant, CEO LeMoine, Charles Gottlieb, Alan Dumas

Minutes:

The first order of business is the reviewing and approving meeting minutes from the September meeting. Board Member Welton stated there are three corrections on the minutes. Board Member Welton felt it was necessary to explain each correction in detail for the Board and the audience. While apologizing to the secretary for doing so, she continued to explain the corrections and the importance of the clarifications. The secretary will make those corrections and resubmit the minutes to the Board and the Town Clerk. Board Member Spata makes a motion to approve the minutes with the corrections discussed, seconded by Board Member Kalb; all in favor.

Communications:

Chair Rabuffo states that the Board received a letter from Scott Olsen regarding alternate locations for the proposed tower via Verizon Wireless. The Board decides to reopen the public hearing for Verizon during the November 12th meeting at 7:00.

Old Business:

Perpetual Space LLC 25.3-1-11 Special Use Permit/Site Plan Review

Chair Rabuffo reads aloud an email regarding the project, with several concerns, from Aaron Bennet who is a floodplain administrator. The majority of his concerns in the letter are regarding the possible flooding that has and could possibly occur at the Leeway. Alan Dumas their engineer, & Charles Gottlieb from Osterman Hannah and Whitman is their legal representation. Mr. Gottlieb starts the presentation with stating that prior to the meeting starting, Board Member Welton facilitated a conversation with a quorum of this Board before the meeting started that won't be reflected on the minutes. Mr. Gottlieb states that it's quite clear from that conversation that Board Member Welton was trying to persuade those Board Members to act a certain way this evening. Mr. Gottlieb ask's that Board Member Welton should be recused from this application, and all other meetings related to this matter.

Board Member Welton states that she had a conversation with Board Member Kalb regarding whether or not we could table the discussion and the vote on this project. Board Member Welton states that she advised her that it was her understanding that there was a deadline by which they had to have a vote, and this did not change because of the pending appeal to the ZBA of the determination by the ZEO of the wedding venue being an accessory use to the motel. Board Member Welton adds according to the town's attorney whom was consulted, this Board doesn't have the obligation to either continue the process of approving or disapproving the application. Board Member Welton adds they did not have an obligation to vote or a requirement that we not vote. Board Member Welton states it's up to our judgment but that we could actually discuss and we could decide not to vote at this meeting. Board Member Welton adds that she also had the same discussion with Cliff the Planning Board Chair, Board Member Welton adds, this was not a three-way conversation at any time.

Mr. Gottlieb states, for the record there was a quorum of the Board present in the meeting room. Mr. Gottlieb recognized that the decision to recuse herself is left to Board Member Weltons judgment, but wanted to make that statement for the record. Board Member Welton states she appreciates that he noticed it and I appreciate that you would try to make a comment about it, but a request for me to recuse on that basis since you did not know the content of our conversation or whether it was even related to this matter at hand, I think

that's inappropriate. Mr. Gottlieb states that he was sitting in the front row of the meeting room, and heard the entire conversation.

Mr. Gottlieb states he was unaware of the appeal in front of the Zoning Board of Appeals. He further states that the appeal that has been submitted is what's known as a third-party appeal. Typically, when someone appeals a code enforcement officer's determination, it's actually the property owner. In this case it's the neighbors who have appealed the ZEO's determination to the ZBA. That's a third-party appeal; under New York law there is no stay whatsoever on this board moving forward or any stoppage of this process. Mr. Gottlieb states they have been before the Board for a year and three months for a tent, and it's time to make a decision. If there is any condition voted on that we have to wait for the ZBA to make a decision that would also be contrary to the facts that are in front of you and that would be very challengeable. The only thing you have in front of you right now is a letter that I just received from the code enforcement officer saying that this use is a permitted accessory use to the Leeway Hotel. Mr. Gottlieb adds this application will go to the ZBA if the opposition is fruitful in that ZBA process, then we'll have to consider it from there. Mr. Gottlieb states this Board can only make a decision and condition its decision on the facts that are in front of you this evening. Everything has been addressed, this record is wildly complete, and we would like this Board to entertain a motion to approve the site plan/special use permit this evening. There are weddings planned in the future; to deny or prolong this even more is just going to cause damages.

Board Member Welton asks if the applicant has submitted detailed plans of the 40 ft by 60 ft so – called temporary tent? Mr. Gottlieb states yes, they are on the site plan with a depiction of what the tent will look like. Board Member Welton asks if they have the most current plan, Mr. Gottlieb states what the Board has before them are the most current plans. Board Member Welton asks is this the plan of the tent that you were referencing? Board Member Welton states it is her recollection that this tent is 60 ft by 40 ft, with walls, she states she doesn't see any height or dimensions on this picture, or a drawing at all. Mr. Gottlieb states Mr. Chairman you have a member of the Planning Board that is high jacking this meeting because of her pre-judged aggression over this project.

Mr. Gottlieb states that the event tent is 40 x 60 feet with a 75 person occupancy as shown on the Site Plan. Board Member Welton states that she is very upset to be told that a reasonable request for information regarding the tent, that the applicant's attorney is stating is a detailed drawing of the tent specifications and all we have is a picture of the tent involved, nothing about how it's going to be constructed, nothing about how it's going to be secured against wind that could easily blow it away. Board Member Welton states we've had strong winds in Phoenicia that have blown over the tents at the Phoenicia farmer's market. Chair Rabuffo states we don't ask every applicant that's putting up a tent for a wind rating. Mr. Gottlieb states that the code enforcement officer should be consulted, and there is an occupancy permit which will be issued, where the details of the tents are provided to make sure they comply with all New York State code requirements.

Board Member Spata states this tent is not a building, Board Member Welton states yes, it is a building. Board Member Valianti ask's if there will be a different tent per each event? Mr. Gottlieb states depending on the event, if there is a wedding under 75 guests then it's likely that the tent will not be as large. Board Member Valianti ask's if the tent will go up and come down after each event? Mr. Gottlieb states yes, every single event will go through a company that will work with your code enforcement officer to obtain the occupancy permit, demonstrate it's properly anchored, and is in compliance with the New York State building code. Mr. Gottlieb adds, it is not a building, it is a tent. There is an outburst from the audience arguing that the tent is a structure, and that the neighbors have not been able to speak at the past meetings. Chair Rabuffo states that is incorrect, the opposed neighbors have had several opportunities to speak, and now he'd like to hear from Donna our CEO and FPA.

CEO LeMoine states that any and all applications at other facilities who host weddings or events, have to submit an application that provides all of the details of the tent. Board Member Welton reads from the code book the definition of building 116-4 in the definitions under zoning. Board Member Welton states building – a structure wholly or partially enclosed within exterior walls or within exterior and party walls and a roof affording shelter to persons, animals, property or business activity. Board Member Welton reads from the code book structure: a static construction or assembly of materials, the use of occupancy of which requires a fixed location on the ground or attachments to an object having such a fixed location. Structures should include among others, buildings, stadiums, sheds, storage, revealing and display stands, platforms, towers, walls, fences, swimming pools, gasoline pumps, billboards, signs, and mobile dwellings. The Board states they did not hear tent in either of those definitions from the code book. Following another outburst from the audience stating that tent is in the book, and to look at the right law. ZEO Grant states that tent is not in Zoning Code, and she's looked through the entire zoning book for it. Following several outbursts from the audience, and discussions and disagreements over whether a tent is considered a structure, or if it's in the code book, Chair Rabuffo states that we need to move on from this, it's been discussed thoroughly.

Board Member Welton states but there is more, there are a lot more things in the zoning book that she'd like to address. Board Member Welton adds that we will be here a long time because she's required to address these issues and per the code book by the Board in their previous announcement to her that in order to vote no on a project, she must substantiate her arguments with the code book, and she's ready to do that. The Board agrees they've discussed this at length, and are ready to make a motion. Board Member Welton states that she is not ready to make a motion, and that she needs to make her case because that's her requirement as a Planning Board Member, to look at the code book and see where it addresses the project.

Mr. Gottlieb states she's on the opposition of this project, Board Member Welton states excuse me, I am the member of the Planning Board who has the authority as a group to vote on the merits or lack of merits of every project that comes before us. Board Member Welton states in the town code it says the purpose of zoning is to evaluate each project individually for its merits, for its hazards for its effect or potential effects for its potential environmental impacts. It's all here in the code book, and I'm prepared to list it step by step, and I highly object as being referred to as the opposition.

Chair Rabuffo ask's Board Member Welton to please get to her point. Board Member Welton reads aloud from the code book. Board Member Rosales states she's just reading aloud from the code book, and not giving specifics as to why she's opposed to this project. Chair Rabuffo adds that what Board Member Welton just read from the book states that we're pro community, and pro-development, and pro-economies, and pro neighborhood. Board Member Welton states but it has the emphasis on protecting and conserving the character, the environment, and the social and economic stability and property value. And encourage the orderly and beneficial development of all parts of the town. Board Member Welton states our job is to determine if this particular project is beneficial. Mr. Gottlieb states that he'd like to highlight that what she just said are not the same as special use permit standards that this board is obligated to follow. Those are the general intent of zoning. Board Member Welton states that she has not finished, it says to safeguard the health of the community, and to protect the character of the community. Board Member Welton states its community based, that is the purpose of the zoning code, to protect the community. Board Member Welton states it is understood that the property owner has an expectation that their concerns will be a part of the process. Board Member Welton states she feels that the client's concerns have been a part of this process.

Board Member Welton states that over the last few meetings, this Board has been listening to you present your case. She further states most of these proceedings over the last few meetings have been listening to you present your case. Board Member Welton states we have not had a lot of back and forth or sharing of ideas among Planning Board Members. Chair Rabuffo states none of that is true. Board Member Welton states she feels like its that from her point of view, because several things that she is saying she feels she's being shut down. Board Member Welton states she's required to make her statements as to why she's opposed per her no vote. Mr. Gottlieb states that she's already voted no without a motion on the table, and he'd like to highlight that for the record. Board Member Welton states she's declaring her intention to vote no and feels it is not inappropriate to do so. Board Member Welton also states that she objects to the community being referred to as the opposition. Board Member Welton states they are opposing your client's request.

Board Member Spata states that the client is a part of this community. Board Member Welton states she doesn't appreciate the Board being thought of as the opposition. Board Member Rosales states he doesn't feel like a member of the opposition. Board Member Welton states that none of us feel that way, Board Member Rosales states you just said you're making us

feel like members of the opposition. Board Member Welton states that the applicant is portraying and referring to us as the opposition.

Board Member Valianti states she's looked up in the code book the definition of structure for building and for accessory structure, and cannot find the word tent. There is a discussion /disagreement amongst the Board and the audience whether or not tent is in our code book, it is stated that tent may have been in the old code book, but it is not in the new code book.

CEO LeMoine ask's Board Member Welton how she feels about the other venues in our town who have been applying and receiving tent permits. Board Member Spata states this project has been discussed several times, and we've gone over it and the details many times. Board Member Spata states that this project started with four people per car, and thirteen events in one season and that was it. Board Member Spata states now we have a list of fifteen conditions that are beneficial to this town. Board Member Spata adds, we've done our job, there's nothing left to discuss unless you want to delay this project. Board Member Welton states that she is not trying to delay it, but instead trying to make points that she hasn't had the opportunity to make.

Board Member Welton states we've listened to the applicant's lawyer for entire meetings, as long as she can remember. Board Member Welton states she has not been able to speak, and she's been criticized for what she has said. Board Member Welton states she'd like to answer Ms. LeMoine's question, because it's relevant. Board Member Welton states that Mr. Gottlieb has brought up his opinion that the zoning code requires us to approve his client's wedding venue because there were other wedding venues in the area. Board Member Welton states she feels it's a misinterpretation of the zoning code. Board Member Welton adds that the Planning Board never approved or gave a special use permit to Foxfire, they never came before the Planning Board. Board Member Welton states that this site is extremely unsuitable, and should be evaluated for what it is. Board Member Welton states it was voted on in the June meeting to declare this an unlisted action under SEQOR. Board Member Welton reads the lead agency must determine the significance of any type or unlisted action in writing in accordance with this section. To require an environmental impact statement for a proposed action, the lead agency must determine that the action may include the potential for at least one significant adverse environmental impact. Board Member Welton reads aloud the NYCRR pertaining to this project. Board Member Welton feels the approval for this project should not be rushed because of the potential to encourage other similar venues and one may not be considered a disaster. But if you have all of the hotels in the area doing the same thing with loud amplified music, loud number of people, lots of traffic exiting the venue at the same time onto a highway, that is a potential for a disaster. Chair Rabuffo states that is a potential for every project, Board Member Welton states that this particular project has issues. Board Member Welton continues to read from the NYCRR. Board Member Welton states we have the traffic, noise, and a substantial change in the use and attention of use. Board Member Welton states we have both a change in the use because there was not a wedding venue as part of the motel.

Mr. Gottlieb states that the traffic has been conceptually approved by the NYS DOT that has jurisdiction over the NYS highway Route 28. The noise has been mitigated through noise monitoring devices which can be regulated to ensure we comply with the town regulations. Board Member Welton states okay this was said before by you, and I have the documentation of what you're referring to. Board Member Welton states the DOT did not have a problem with anything but the entrance specifically needed to be reconfigured.

Board Member Welton states that there will be a substantial adverse impact on the environment from this project. Chair Rabuffo asks Board Member Welton if she has mitigation measures that she would propose to limit these impacts? Board Member Welton states yes, they include to limit the noise level to not have any amplified music, to limit the traffic level to reduce the number of people at the wedding venue to no more than 40 guests, but she feels it is unrealistic for a wedding venue to operate at that scale. Board Member Welton states traffic is one of her biggest concerns but how can you mitigate the traffic. Mr. Gottlieb states that Board Member Welton is not a traffic engineer, and traffic engineers at the NYS DOT reviewed the project. Board Member Welton states she's not referring to traffic engineers but to common sense knowing this community and knowing how hard it is to have an orderly evacuation in a flood situation.

Board Member Welton discusses cumulative impact for several minutes stating all of the issues that she feels this project has and will face. Board Member Welton states that another local venue, Foxfire in Mt. Tremper, has been having negative impacts from the events they've been holding, including delivery trucks, and traffic. Board Member Welton states she feels 10:30 pm for the music to stop at the Leeway during events, is not what she considers mitigation, because people go to bed early. Board Member Welton also states that the Leeway is a nonconforming preexisting motel, and points out that the majority of the property is in the floodway. Board Member Welton states if this motel was to be built now it would not be approved. Board Member Welton states the tent which is in the floodway is the only suitable place for the tent, and if it's a level spot she is unsure of since she has not done a site visit. Mr. Dumas states yes, it is a level spot where the proposed tent will go. Mr. Dumas states there are more or less three plateaus to the site, the first being when you pull in, the second being once you go down the hill, the third being down by the creek. Mr. Gottlieb states that the site plan that the Board has had for a year, have elevation lines on them to show the elevation of the property. Board Member Welton states that the only way that this could be approved in the floodway is as a temporary structure.

Board Member Shiner states that Mr. Gottlieb has stated that this application has been before the Board for a year and a half, which is incorrect. Board Member Shiner states that the plans have changed over time, per their recommendations. Changes have been made, including the tent which was not shown on the original plan. Board Member Shiner states since many changes have been made, they're not working with the plans from a year and a

half ago. Board Member Shiner states we have no intention of delaying anything, and we never told the applicant that they should go ahead and schedule weddings. Board Member Shiner states one of the bigger concerns is that a lot of what you've promised depends on somebody reviewing the actions that you take, including noise. Mr. Gottlieb states one of the conditions they have proposed is a look back period, to come back to this Board after one year of operation to see how the events have been, and if there are issues, they can tailor the conditions, and address the issues. If there are impacts that have increased or there are problems, they will be addressed.

Board Member Welton states she feels it is not appropriate to subject the neighbors to significant environmental impacts for one year without any recourse, other than to spy on the Leeway operations, and complain to the employees at the Town Hall. Board Member Shiner disagrees with Board Member Welton and states that what you're saying is there's a potential intense noise problem. But if there's no noise problem there's no need for recourse, if there's a noise problem, they lose their permit, therefore that is the perfect solution to the problem. Board Member Shiner states that you're giving potential problems they're not definite problems. Board Member Shiner states there is no other venue that he's aware of that has all of these conditions. Board Member Welton states there's no other venues in the area that have these issues, and she has more issues that she feels need to be addressed. Board Member Shiner states that one approval does not set a precedent, Board Member Welton states that Mr. Gottlieb is stating that it is, and he's the high-priced lawyer. Mr. Gottlieb responds and says that he drives a Subaru, so he isn't as high priced as she thinks.

Board Member Spata states he does not think it's out of order to say that this filibuster has been going on for long enough. Board Member Welton states that she is not filibustering, that she is reading the town code, and there is a Board Member who has not even read the code book, or received one. Board Member Valianti, corrects Board Member Welton and states yes she does in fact have a code book, and she has read it. Board Member Welton states the Board advised her that she could not vote no without backing up her vote. Board Member Welton argues with the other Board Members and states that she has not finished her point yet, and feels she's being rushed.

There is a discussion amongst the Board that the SEQR review needs to be done. Board Member Rosales states how many more arguments are you going to make? Board Member Kalb states that you've more than backed up your argument. Board Member Spata states that she has been talking for over 45 minutes, she has not been rushed. Board Member Welton states Board Member Rosales has asked her to explain her issues with the project, and she states that it takes more time to do so. Board Member Welton states that Board Member Spata feels like it's taking too much time for her to explain her argument. Board Member Spata states that he doesn't feel that way, I'm observing that it is indeed taking too much time. Board Member Welton states that too much is a value judgment; that's not an observation. Board Member Spata states that there is no precedent for what Board Member

Welton is doing, in the seven years he has participated. Board Member Welton states there's no precedent for being asked to back up my no vote with the code book. There is a discussion amongst the Board regarding whether or not a Board Member needs to back up their reason for voting no on a project. Chair Rabuffo states that Board Member Welton has more than backed up her vote. Board Member Welton explains why she's been reading out of the code book, was to back up her no vote on the project, per the Board. Board Member Kalb states that no one advised her to read from the code book, Board Member Welton states yes you did. Board Member Welton states yes you did, and I am not done. Board Member Welton continues to read from the code book. Chair Rabuffo states that this has been permitted as an accessory use. Board Member Welton argues that this is not a permitted use since it's in the floodway, Board Member Kalb states it's not a structure, it's a tent. Board Member Welton states it is an accessory use, therefore being a different use.

There is a discussion amongst the Board regarding other similar venues in the town such as Foxfire Mtn House, and Full Moon. One is much smaller than the other but the thing they have in common is they both have events, Foxfire is in a residential neighborhood such as the Leeway, and the neighbors of Foxfire have been enduring loud trucks, loud music, and disruptive of peace and quiet. There is a question of whom will inspect the tent at the Leeway, it is said that the Code Enforcement Officer will be doing such, as well as inspecting the tent specs prior to it going up. Chair Rabuffo states this determination was made by the ZEO and the CEO.

Jeanne Maloney the direct neighbor of the Leeway makes a statement about the Leeway, and how it will affect her negatively. Mrs. Maloney states that she has already had issues with the motel since the new owners took over, she is 25 ft from the building, and will be greatly impacted by the events. She states on top of the events disrupting her quality of life, she will lose her property value by 50,000 as well. Molly Holm who lives next to the Foxfire Mtn House is here this evening and would also like to make a statement about how the events at Foxfire Mtn House, have impacted her in a negative way. Mrs. Holm states that what once was a 75 guest per event space, has now double in the number of people they have at events. Mrs. Holm is greatly impacted by the noise, traffic, and late-night disturbances, and feels the Town will not do anything about it. There is a discussion amongst the Board regarding Str's and Airbnb's and how they've been just as intrusive and loud, if they have large parties, etc. It stated that the STR's rules and regulations are now becoming stricter, to avoid those types of things happening.

There is a discussion amongst the Board regarding the tent being in the floodway, and the parking. Mr. Dumas states there will be no asphalt or stone, just tufts. CEO LeMoine has already done a site visit and seen the parking. Chair Rabuffo goes over part two of the SEAF for the project, part one has already been reviewed. Chair Rabuffo reads aloud from the part two of the SEAF will the proposed action impair the quality of the existing community? Board Member Welton states she thinks the community will be impacted. Board Member Spata states he does not think it will impact the character of the community, there's a bus depot,

and an old farm stand in that area. Board Member Welton states, that is not relating to noise. Mr. Gottlieb states with all due respect, you should let other Board Members voice their opinion. Chair Rabuffo reads from the SEAF will the proposed action result in a change in the use or intensity of use of land? Chair Rabuffo states that the impact is small, the other option is moderate to large. Chair Rabuffo review's part three of the SEAF, and states the biggest issue he sees with it, is that zoning use table that is prohibited. Board Member Welton ask's how many days will each event take place? Mr. Gotlieb states there will be thirteen events per year, and the guests will arrive on Friday, and the weddings will take place on Saturday, and the tent will come down on Sunday. Mr. Gottlieb states Vivian you are wildy against this project, and should have recused yourself when I requested it in the beginning of the meeting. There are several side conversations between the Board and the audience, Board Member Welton states she's being harassed for voicing her opinion, another Board Member states that she's been talking for two hours. Chair Rabuffo states that we need to move forward.

Following review of Parts II and III of the SEAF, Board Member Spata makes a motion to declare a negative declaration regarding the SEQR review; seconded by Board Member Shiner, roll call vote as follows:

Cliff Rabuffo, Chair	Yes
Joanne Kalb	Yes
Allen Shiner	Yes
Sam Spata	Yes
Vivian Welton	No
Juan Rosales	Yes
Chandra Valianti	Yes

Chair Rabuffo states we should move forward with the vote regarding this application submitted with the conditions set forth. Board Member Spata states we should move that we approve the application special use permit with the 15 conditions listed. There is an outburst from the audience stating that this project does not have a special use permit. ZEO Grant states this project requires site plan approval. Board Member Spata states he'd like to withdraw his original statement. The site plan application should be approved including the conditions that go with it, which includes the look back provision. Board Member Welton feels that those conditions should be listed since she's unaware of what they are, she's informed that those conditions are a part of the file she has. Board Member Kalb states there is a motion on the table, and it needs to be voted on. Board Member Spata reads aloud all of the conditions for Board Member Welton. Board Member Welton ask's what happens if they violate the terms they have set? Board Member Spata states he feels this Board should have a separate conversation regarding the comp plan and enforcement within our town. If issues arise from this particular project the CEO and the ZEO will see to it. Following the motion from Board Member Spata to approve the application with all of the 15 conditions, seconded by Board Member Kalb, roll call vote as follows:

Cliff Rabuffo, Chair	No
Joanne Kalb	Yes
Allen Shiner	No
Sam Spata	Yes
Vivian Welton	No
Juan Rosales	Yes
Chandra Valianti	Yes

4 yes, 3 no, motion carries.

Chair Rabuffo states that we've done this a long time, we're all a part of this community and we try very hard to consider the applicants and community members point of view. This is a volunteer-based board, and the applicant has responded to the requests and concerns regarding his project, which is very much appreciated. Chair Rabuffo states based purely on the use table which says the predominant portion of this accessory use in my view falls in the floodway being the tent itself, I have to vote no based on that section of code, 116-24/25.

Board Member Shiner reads a statement regarding his vote on the application. Stating that the impact of this project is significant and not what was intended for a residential neighborhood. Board Member Shiner ask's if the owner of the Leeway is here? They are not but an employee is. Board Member Shiner states he thinks some of the statements that were made by the architect and lawyer, are naïve and that concerns him. Board Member Shiner adds that he does not think they'll be able to live up to what was agreed to.

Pine Hill WRFF Solar Special Use Permit/Site Plan Approval 4.14-1-46

The next order of business is Pine Hill Solar. It is a relatively small accessory solar facility for the wastewater treatment plant. This is a type two seeker per the regulations, and they're aware that they need site plan approval as well. This applicant was at our last Planning Board workshop, and Chair Rabuffo states they're biggest concern when they were last before the Board was screening. Steve Mcdana director of development for Ameresco is here with Rob Bukowski to represent the applicant. Mr. Mcdana states in conjunction with the New York Power authority and the dept of city administrative services Ameresco will build, own and operate the system. Pine Hill wastewater treatment plant will be purchasing the electricity for the system. Rob Bukowski has renderings of the potential screenings. Mr. Bukowski states the overall capacity of the system is under half a megawatt. It takes up about two and a half acres of the property in total. Access is going to be from the east through an existing gravel drive. Because of all the utilities that are underneath the foundations will be balanced, meaning they'll be concrete blocks rather than driven into the ground. Ameresco has been working with the DEP considering the type of facility and the screening they want to make sure it doesn't completely obscure everything, so they can see into the site. What

they came up with was a mixture of juniper, mountain laurel, and rhododendron. It is stated that the planting will be maintained as part of their agreement. Board Member Spata ask's if this is a permitted use? Chair Rabuffo states they are accessory structures, such as the Zen Mtn Monastery who also has several solar panels.

CEO LeMoine states that this site is in the floodway on the zoning map, one of the representatives for the application states that it is not. Chair Rabuffo states a floodplain development permit will be required, as well as a no rise cert, which is important, otherwise we can't move forward. The representatives for this application will check to make sure that it is not in the floodway. Chair Rabuffo states that a surveyor needs to make that determination. CEO LeMoine states we just need to be sure that the solar is outside of the floodplain. Mr. Bukowski states that the proposed solar is outside of the floodplain. Chair Rabuffo ask's where will the power lines be running? The proposed lines will be tied directly into the electrical room. Everything will be ballasted so everything will be above ground. They're typically on concrete ballast like a conduit; nothing will be buried. Board Member Spata ask's if the solar panels are fixed tilt? Yes, they are facing south away from the road. There will be 10ft high solar panels, the bottom will be 3 ft the array is down and below the road. Chair Rabuffo ask's the height of the plants? They will be five or six feet. Chair Rabuffo states he'd like to see the estimated mature plant height. With no further questions or comments, Board Member Spata makes a motion to set a public hearing for the applicant at next month's meeting at 6:45, seconded by Board Member Kalb, all in favor.

Board Member Spata makes a motion to speak to the Town Board about the comprehensive plan, and enforcement facing community opposition. Board Member Spata thinks a meeting with the Town Board, and Planning Board would be great.

Other Business:

At this time, Chair Rabuffo calls for an executive session.

Having discussed what needed to be discussed in the executive session, Board Member Kalb makes a motion to end the session, seconded by Board Member Spata, all in favor.

Adjournment: Chair Rabuffo made a motion to adjourn the meeting, board Member Spata seconded, all in favor. The Meeting was adjourned at 10.00 pm.

These minutes were prepared by the Planning Board Secretary Olivia Amantia

