

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 2nd day of August 2021 at 7:00 pm.

Town of Moreau  
Planning Board Meeting  
Monday, August 2, 2021

**Planning Board Members Present:**

Peter Jensen	Planning Board Chairperson
John Arnold	Planning Board Member
Gerald Bouchard	Planning Board Member
Meredithe Mathias	Planning Board Member
Ann Purdue	Planning Board Member
Mike Shaver	Planning Board Member
Adam Seybolt	Alternate Planning Board Member

**Also, Present:**

Jim Martin	Zoning Administrator
Barbara Bartlett	Recording Secretary
Karla Buettner	Town Attorney
Joseph Dannible	EDP – Representing Applicant Schermerhorn Holdings
Josh O’Connor	GPI – Representing Applicant Drake Petroleum Company
Raymond Apy	Applicant for Saratoga BioChar
Bryce Meeker	Representing Applicant Saratoga BioChar
Matt Huntington	Representing Applicant Saratoga BioChar
Patrick Ellis	Representing Applicant Saratoga BioChar
Jeremy Tensen	Representing Applicant Saratoga BioChar
Andrew Millspaugh	Representing Applicant Saratoga BioChar
Travis Mitchell	Representing Applicant Nexamp

The meeting was called to order at 7:00pm by Chairperson Jensen.

**#1 Harrison Avenue Apartments**  
**Schermerhorn Residential Holdings, LP**  
**112 Harrison Avenue, South Glens Falls NY**  
**Site Plan Concept Review**

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Project Description: The applicant is proposing to construct four buildings with four dwelling units per building on an existing lot consisting of 2.02+acres. The footprint of each building will be approximately 37 feet deep x 78 feet wide. The project will include a kiosk-style building for mail delivery and 64 on-site parking spaces, 16 within attached garages and 48 surface spaces. A stormwater pollution prevention plan (SWPPP) is required.

Joseph Dannible of Environmental Design Partnership representing Schermerhorn Holdings with an application for a 16-unit residential apartment community located at 112 Harrison Avenue. proposing a single curb cut on Harrison Avenue, the project will connect to municipal water and sewage supply.

Mr. Arnold There seems to be a typo on the proposal. Specifically, 3 of the units say 4-unit building and 1 says 4-unit building with 4-unit garage spaces.

Mr. Dannible This is a typo, every 4-unit building has 4 garages, one per unit.

Mr. Arnold Will it be an issue having the mail kiosk positioned in front of the 5-6 parking spaces opposite the first 4-unit building.

Mr. Dannible The project has ample parking on site, the town requires two, 2 1/2 spaces per unit including the garages.

Mr. Arnold It is uncommon to have parking spaces in front of a mail kiosk.

Mr. Dannible This is something we are willing to work on if the local delivery service has any issues and make accommodations to the parking plans.

Mr. Arnold Can you define the description within the survey details characterized as - Disturbed AIF.

Mr. Dannible The specified disturbed area could be related to the boundary, maybe a disturbed pipe, I will have to investigate this detail and get back to the board.

Mr. Bouchard Will these units be similar to previous projects the applicant has built in the past.

Mr. Dannible These proposed units will be similar to Harrison Quarry.

Mr. Arnold How far away from Harrison Quarry is the project.

Mr. Dannible It is approximately ¾ of a mile.

Mr. Martin Will you need a SWPPP for this project.

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Mr. Dannible Yes, the project will need a SWPPP.

Mr. Arnold Are you considering looking into a traffic study for the project.

Mr. Dannible We can provide a sight distance evaluation, there are only 16 units so it shouldn't bring it to the level of a full-blown traffic study since there is very low trip generation.

Mr. Arnold How many bedrooms are in each unit.

Mr. Dannible I believe there are 2 bedrooms but will verify this detail.

Mr. Arnold Referencing the peak hour traffic numbers, there are 32 car spots, but they are expecting fewer than 9 cars to leave during peak hours.

Mr. Dannible The trip generation codes give a general understanding of trips made at the site.

Mr. Shaver Will there be a fire hydrant onsite anywhere, there doesn't seem to be one close to the site.

Mr. Dannible They will certainly contact the water and fire department to make sure they have certain items within range of the project.

Mr. Martin Can you elaborate on the proposed sidewalk extension.

Mr. Dannible The proposed extension is from the west side of the property to the eastern property line.

Mrs. Mathias Will the project need an extension for the two districts.

Mr. Dannible I will have to investigate if the project will need an extension or not.

Mr. Martin Will the project have a lighting and landscaping plan.

Mr. Dannible Yes, there will be both a lighting and landscaping plan for the site.

Chairperson Jensen Board do you have any further questions or discussion with the applicant regarding the concept review.

The Board answers no.

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Mr. Dannible Thanks the Board and states when they return in front of the board the site plan will have more details.

**#2 Alltown Fresh**  
**Drake Petroleum Company**  
**1401 Route 9, South Glens Falls NY**  
**Site Plan Concept / Sketch Review**

Project Description: Josh O'Connor of GPI presents the Drake Petroleum Company site plan for Alltown Fresh provides the board with sketch plans and the proposal for the redevelopment of Extra Mart Property of 1401 Route 9 located near exit 17 by Lamplighter Way. The proposal consists of an improvement and expansion of the existing facility, redeveloping the parcel, a Stormwater Management renovation, and expanding the size of the retail mart. The applicant has been in front of the Zoning Board Association and was granted a special use permit for the diesel fueling station portion of the operation.

Mr. O'Connor, We have completed a preliminary trip generation for traffic study which shows a generation of over 100 trips, this will trigger a traffic impact study which we have started but do not have the results as of now.

Mr. O'Connor Tonight the board is looking at the sketch review of the site plans and looks for questions and comments regarding this.

Mr. Shaver Can you tell us what the projects architectural style for the retail market will be.

Mr. O'Connor Drake Petroleum uses the terminology of New England style or Modern New England Barn or Farm Aesthetic, he shows the board a rendering of the style and adds the applicant has built a project in Albany on Erie Boulevard the will look the same as this project regarding the architectural texture and materials.

Mr. Arnold Regarding the traffic study brought up, can you give further explanation on the topic.

Mr. O'Connor The project will need to go to the state DOT for a traffic study, they will do a trip generation based upon the offerings and square footage of the site. NYSDOT standards are generally if there is a proposal of more than 100 trips during peak hours it is requested that a traffic impact study be done. The applicant recognizes that this project will more than likely generate the 100 trips during peak hours, with that in mind they have moved forward with the study.

Mr. Arnold Are you expecting 100 unique trip generations for this site, as in they are drawn to the site instead of passing by.

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Mr. O'Connor The method of calculation for the trips does not presume they will pass by or if they are drawn, the traffic impact study is used to prepare where the trips come from. The applicant does not anticipate drawing trips from other locations. They are hoping to draw trips from commuters to and from I-87. The draw will come from the food offering, retail market and diesel fueling stations although the site will not be a truck stop.

Ms. Purdue Is the back part of the site currently a contracted truck parking area.

Mr. O'Connor Due to the best of his knowledge this is not a use that is allowed, and we have no intentions in continuing it if it is.

Mr. Martin Where are you with the permit process with DOT.

Mr. O'Connor After revisions are finalized, I plan to take the traffic impact study which should be completed within the next week and ½, schedule an informal sit down with Mr. Tedesco, and gather an assessment on what he thinks. After this I will proceed with applying for a permit for Stage 1 and Stage 2 of the project.

Mr. Martin Do you anticipate the application be submitted into the state in 3 weeks' time.

Mr. O'Connor There are many moving parts that need to be accounted for prior to the submission. They should have at minimum the DOT impact study completed. The timeline will most likely be September realistically, they want to make sure the DOT and Planning Board have time to review the project.

Mr. Martin, I agree, I would also like to see a preliminary reaction to the proposal.

Mr. Shaver Are you intending to do any work alongside the new southern boundary on property, and if it is still intended to be an open paved parking area adjoining the neighboring Fitzgerald's Restaurant.

Mr. O'Connor As of right now it is a completely open area, the proposal for this is to demolish the asphalt up to the property line and repave the project side of the boundary line providing curved parking as the site plans shows.

Mr. Shaver It seems the tractor trailer parking will require them to back in.

Mr. O'Connor Yes, we have provided on the sketch plan space for the action of backing into the allotted spaces.

Mr. Martin As of now are you committing that there will not be any overnight truck parking or idling, that this site is a short term stay for tractor trailers.

Mr. O'Connor Yes, that is the plan for the site, short term parking only.

Mr. Shaver Will the store will be open 24/7.

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Mr. O'Connor Yes, the store is a 24/7 operation.

Mr. Arnold Moving forward the board will have a lighting plan.

Mr. O'Connor The lighting plan is being adjusted, we were not satisfied with the plans received but will provide the board the light plan at the next scheduled meeting.

Mrs. Mathias Do you foresee a truck only access.

Mr. O'Connor This will be fully actualized on the left in and out, we plan to have signage to move truck parking, the trucks will access from an enter only and exit only on site.

Mr. Arnold Is there any reason why they couldn't just make one entrance and one exit for all traffic.

Mr. O'Connor I cannot think of a reason not to, they would have to talk to the development team and speak with DOT as they move forward with the project, this could very well be something DOT requests.

Ms. Purdue Regarding the SHPO on site, do you have any intentions for changes.

Mr. O'Connor We have no intentions of changing things, we can provide documentation if needed, as long as we leave everything intact protocol is straight forward.

Mr. Martin Will the applicant provide a full detailed plan including landscaping and lighting at the next level.

Mr. O'Connor At the next meeting we will procure the landscaping and lighting plans requested in fuller detail.

Mrs. Mathias Can you tell us about the stormwater management proposed.

Mr. O'Connor We have done preliminary counts, there are a series of dry wells on site located near the Lamplighter Boulevard region, which is the entirety of existing stormwater management on site. The applicant is proposing a design with the intention of treating the site as if it doesn't have any stormwater management. We have done infiltration testing and have gotten great results.

Mr. Arnold Added on the site plan there should be a detail regarding the retrieval and emptying of the dumpsters in certain hours, for example 9am-6am only.

Mr. O'Connor We can definitely look into this detail.

Mr. Bouchard There is a question on the EAF #20 Has the site of the proposed been the subject of remediation or hazardous waste, there is no description.

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Mr. O'Connor I can provide clarification, I did check the DEC database for this specific site and there isn't a spill associated with the property. There also isn't a remediation associated with this site, that's newer than 30 years.

Mr. Martin According to the EAF the project isn't connecting the municipal sewer water system.

Mr. O'Connor When the EAF was complete we were not certain there was a sewer. I am speaking with the town and working on correcting this by coordinating with the municipal sewer department for connection.

Mr. Martin A resubmission of a new SEQR form with updated info should be filled out and provided on the next submission date.

Mr. O'Connor agrees and clarifies they do anticipate connecting to the sewer system and will have details on the revised site plans.

Chairperson Jensen Do you have any questions for the Board.

Mr. O'Connor, I do not.

The Board thanks Mr. O'Connor and the applicant is dismissed

Mr. O'Connor thanks the board for their time.

The project will need to come back in front of the board in 1 month for a preliminary site plan review.

### **#3 Saratoga BioChar Solutions LLC**

**Raymond Apy**

**1-12 Electric Drive, Moreau, NY**

#### **Site Plan Concept/ Review Sketch Review**

Project Description: The applicant is proposing to construct a new building consisting of 34,100 sq. ft. for a carbon fertilizer manufacturing facility on a two, existing and adjoining lots totaling 5.89 acres. A stormwater pollution prevention plan (SWPPP) is required. The following two permits from NYS Department of Environmental Conservation are also required: A Solid waste management facility permit; and an air state facility permit.

Mr. Raymond Apy CEO of Northeastern Biochar Solutions represents their subsidiary company Saratoga Biochar Solutions LLC. Explains the intent is to request permission to construct a carbon facility that transforms biosolids into a bio product.

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Bryce Meeker, Matt Huntington, Patrick Ellis, Jeremy Tensen, and Andrew Millspaugh take over the presentation from here as BioChar Consultants to answer any questions or comments regarding the Biochar site plan.

Mr. Shaver Do the trucks have any bed liners or covering to avoid spillage.

Mr. Ellis All of our trucks are covered during transport. We use a mesh liner system that covers and prevents any issues like spillage from happening.

Mr. Martin What is the Nature of the biosolid, is it liquid form, solid, or dried already.

Mr. Ellis, We receive it as a cake, we water the material, it contains about 18% solids and 82% water. Average in the area is 23% solids which is what they will anticipate.

Mrs. Mathias Is it just wood and brush being broken down into carbon, is it just from the treatment plants.

Mr. Ellis The product is just from the treatment plants. There is a phase two down the road where they would like to look into bringing some more wood waste in.

Mr. Martin Will Biochar be monitoring the biosolid feedstock for its composition on a regular basis.

Mr. Ellis Yes, the composition must be tested regularly, at a very minimum quarterly. Larger plants more frequently, they will also test for moisture.

Mr. Bouchard You mentioned the trucks are all regulated, by whom.

Mr. Millspaugh The trucks must be regulated under the New York State Part 364 Waste Transport Permit with the Department of Environmental Conservation.

Mr. Martin How often are the trucks checked.

Mr. Ellis It's regulated by DOT there can be spot checks at any time, but it is regulated on an annual basis.

Mr. Millspaugh One of the DEC requirements for an operating facility, the scale operator would check the front of the truck for a valid 364 Permit before they are allowed to come onto the facility.

Mr. Shaver Is this going to be one haul from one site per truck.

Mr. Ellis Intermedeol, but predominately it will be one haul per truck from the site.



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Mr. Arnold What is the nutrient profile of the finished product.

Mr. Meeker The finished product is very high in phosphorus. It's more of an additive to soil.

Mr. Arnold I've heard of this being used as more of a soil amender or a fertilizer supplement than a fertilizer.

Mr. Meeker It's a little bit of both, It's a good additive option to the soil.

Mr. Arnold Are you using natural gas in the drying process only.

Mr. Meeker Yes, but this is the only source of omissions from the operation.

Mr. Arnold You listed the potential for up to 15 trucks, is that 15 trucks bringing in source material or are they bringing in source material and leaving with finished product.

Mr. Meeker We have a 10 to one reduction to what comes in compared to what comes out of the proposed facility. There are 15 trucks per run per day. With a 3-phase development to this operation related to the incoming and outgoing trucks.

Mr. Bouchard I'd like some clarification on what you are counting as 1 truck. The truck will come into the facility fill up then leaves, that's 1 truck.

Mr. Meeker Yes, that's correct.

Mr. Arnold So your ideal situation is a 22 % composition. Are you planning on releasing any of the liquid that's taken out of the product into the sewer system or is it all handled within the drying process?

Mr. Meeker 23% is our ideal, the only liquid being discharged is from the air treatment system, everything else is dehydrated in the process.

Mr. Arnold So the discharge is not coming out of the product as a liquid but as a gas.

Mr. Meeker The liquid would predominantly come out as water. The treatment for the liquid is three phases, particulate omissions phase, an ammonia cleansing treatment system then the bio scrubber treatment.

Mr. Arnold Does that mean the remaining liquid would end up in the sewer system after the treatment.

Mr. Meeker Possibly a minor amount would end up in the sewer, we don't anticipate that. We recycle most of the remaining liquid.

Mr. Martin Who are the end users for the finished product, who are the buyers.

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Mr. Meeker Mainly farmers and the agricultural sector and composters, in the composters case the product helps speed up fungal growth for compost material. As we grow, we would like to export to the Midwest.

Mrs. Mathias Is the Industrial Park planned as a PUD.

Mr. Martin It was preplanned to some extent but not as a PUD.

Mr. Martin, I anticipate this is going to be a phase 1 only approval, they are combining two lots under their proposal.

Mr. Millspaugh The reason for going through multiple phases is more on the DEC side. There will be 2 permits, for the air permit, there will be an application with modeling from the omissions process, the permit that gets written by DEC will have monitoring updates and quotes on the facility. If particulates and odorous compounds are the primary concerns to be omitted, it may be required testing.

Mrs. Mathias As the supplier of material, if the company were to sell does the process change.

Mr. Ellis Its more common to sign a contract between 3 to 5 years. We have the contract today, but we may not have that contract in 5 or 6 years from now. It doesn't change our obligation to supply the material now, but in the long run they might need to source from someone else.

Mr. Meeker It's a short-term contract, the supplier might not always have it, but this will not change their obligation to supply material, we will just have to get it from somewhere else which is why we are not permitting for a single source. Our plan is to be a local resource and manage material locally to keep costs down.

Mrs. Mathias Are the trucking routes regulated or approved.

Mr. Meeker We subcontract the trucking out, but it's only to a handful of companies because of the service they provide and the quality of their equipment. They have dedicated approved truck routes and follow the permit parameters according to access to the state roads and timing.

Mr. Martin As part of Biochar's next submission, it would be a good idea to have a map illustrating the truck route.

Mr. Martin How many plants would it take to feed your requirements for phase 1.

Mr. Huntington Every plant is a little bit different and custom built. It depends on the population base, this will drive how much material the facility will make and what type of process. For example, the Saratoga facility is producing around 30,000 tons per year which would turn out to be 3 tractor trailer loads per day, and the Glens Falls facility is producing roughly 12,000 tons per year. The feedstock would come from no less than 5 facilities.

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Mrs. Buettner I have a question on the EAF Application, talking about phases 1,2 and 3. Is the EAF just for phase 1. I'm concerned about segmentation.

Mr. Millspaugh The EAF application is for all phases 1, 2, and 3. They are unlisted currently, we are requesting the board take Lead Agency status for purposes of the review.

Mrs. Buettner So you are looking for Lead Agency status tonight.

Mr. Huntington Yes the DEC application requires this to be complete prior to their approval.

Mr. Arnold If you did move on to the other phases what other wood types would you be using.

Mr. Meeker Mainly from municipalities we recycle the wood.

Mr. Arnold Would you just be receiving pre chipped wood, you wouldn't be set up to chip.

Mr. Meeker We would be set up to chip and have a chipper on site.

Mr. Bouchard Is the wood process entirely mechanical.

Mr. Meeker Its basically kilns and dryers, and the composition treatment associated with it.

Mr. Martin Do you have any plans to operate currently or under construction.

Mr. Meeker We do not have plans to begin operations at the proposed site yet.

Mr. Martin How many jobs will this proposal create.

Mr. Meeker 2 lines of 16 and 1 line of 13, 6 months of work for construction workers.

Chairperson Jensen Are you attempting to work on noise control.

Mr. Huntington Addressing the woodchipper this would be inside its own building which would be insulated for sound. The grinder is also an electric model which has a big difference in decibels. All of this equipment can be run outside we've built an enclosure specifically to lessen the noise pollution of the chipper.

Mr. Bouchard What are you doing about parking for the site.

Mr. Huntington We will make sure we have the required space for employee parking and a few guest spots on the site.

Mr. Bouchard Can you talk about the truck washing.

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Mr. Huntington The truck wash will be set up in the receiving building. The trucks will back in and if there is any debris we will wash it off. Once they discharge and inspect the vehicles the operator, while supervised will have spray hoses available they can clean the truck on each side.

Mr. Bouchard So this will just be a manual washing operation.

Mr. Huntington Correct.

Mr. Martin Do we have an agreed upon expectation as to what the involved agencies would be.

Mr. Martin DEC and DOT.

Mrs. Beuttner You said no DOH there's no water.

Mr. Apy There is water municipality from the early to mid-90's on site so there is water and sewer already there. We plan on just tapping into the existing lines.

Mr. Martin So far I have 5 involved agencies. I have DEC, DOT, Saratoga County, Saratoga County IDA, and City of Glens Falls.

Mr. Arnold What's the DOT for.

Mr. Martin The permitting on the trucks.

Mr. Martin Usually the applicant does a Lead Agency request by resolution.

**A Motion was made by Mrs. Mathias to report Lead Agency status for Saratoga BioChar Solutions LLC for review and seconded by Mr. Arnold.**

Chairperson Jensen asks the board if there is any further discussion

The board declines

**All in favor. None opposed. Motion carries.**

Mr. Martin I will send out that letter tomorrow, I will send part 1 of the EAF as well. I didn't come across any corrections or revisions as a result of the discussion tonight.

Mr. Martin On the air omissions permit do you see that as being concurrent on our review or linear.

Mr. Millspaugh The application includes details from the site plans it will be submitted in compliance as a package.

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Mrs. Buettner So they will not consider the application until the planning board has completed their review.

Mr. Millspaugh They will not call it a completed application until the timeline with the SEQR is complete.

Mr. Martin Do they expect to have any local approval or do they just expect the SEQR complete.

Mr. Millspaugh They don't need the actual site plans, they need to have the Negative Declaration for the SEQR to be complete.

Chairperson Jensen Are there any further discussion or questions for the applicant.

The Board declines.

The Biochar consultants thank the board for their time.

#### **#4 Jacobie Farm Subdivision**

##### **Cerrone Builders**

**11-29 Moreau Rec Road, Moreau NY**

##### **Subdivision Extended Review**

Project Description: Jacobie Farms Subdivision consists of a 50-lot subdivision of two existing and adjoining parcels with frontage on Moreau Rec Road. Applicant is proposed to subdivide the total area of both lots totaling approximately 27.19 acres into 49 building lots with one undeveloped common area lot.

Joseph Dannible of Environmental Design Partnership representing Cerrone Builders Jacobie Farm Subdivision Project.

Mr. Martin The two primary items relating to the Jacobie Farm Subdivision from the July meeting a couple of weeks ago was the outstanding comments relating to the SWPPP letter from LaBerge and the road repair issue, in terms of the process a negotiation leading to an amount of money to be set aside for the repair itself. Since the last meeting there has been a lot of advancement on the SWPPP issue. We received a response letter from EDP, the applicant's agent. It seemed to be a point by point presentation of responses to each individual comment from LaBerge. We also received a letter from LaBerge stating they needed more funded to be deposited for their review to continue. The funds were immediately delivered this

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morning leading LaBerge to send a response stating they will begin their review right away. In an effort to get their comments back as soon as possible. This is where the Subdivision status stands.

Chairperson Jensen Have we received the review and comments from LaBerge yet.

Mr. Martin No we have not they just stated their review. I think we will have them at some point tomorrow from mid-morning to early afternoon.

Mrs. Buettner If I could Mr. Chairman, I think the information from LaBerge that you're waiting for, you don't need to have all of their comments and full approval on the SWPPP to do a preliminary. I just want the board to know, you're waiting on comments but that's for the final, you do not need that to grant preliminary.

Mrs. Mathias I'm wondering about the NYS Fish and Wildlife report, endangered species on site. What's interesting here with Fish and Wildlife is we don't have anything in the report I mean it's a process but if you're not getting a federal sign off.

Mr. Dannible At the original site analysis They sent an assessment which says there may be Karner Blue Butterflies on your site project. That's basically the entire county. We immediately went out there several months ago, along with our specialist and officers who have stated there is no habitat on the property. We have no federal permit required for this project therefore we did not obtain a federal sign off. The town engineer from GIS identified as a potential for those species, we responded with our memo, stating we will go and obtain a sign off from the NYS Fish and Wildlife Service. Typically, we never take this step we did decide to take it this time because it was not a common letter received. On site there are no trees, there's no habitat. As far as we can see in the field there is no species on site.

Mr. Martin I tend to think Joe is correct here I did the very first Karner Blue Butterfly review after it was determined to be an endangered species, I know that creature very well and I tend to think it is not here as I said in my comment in the email. We usually just close this loop by getting the jurisdictional agency to give a sign off. I don't personally see this as an issue, but I'd like to close this loop and have a letter from fish and wildlife stating we accept your analysis, there's no habitat and that closes the file, but we don't have that yet.

Mr. Dannible We were trying to obtain this letter, NYS Fish and Wildlife has no obligation to respond to us and actually give us that letter. We have been pursuing the close the loop even though they have no reason to give us what we are looking for.

Mr. Martin The field investigation was obviously done quickly. I accept the conclusion from that. But for the record, but it would be nice to obtain that letter.

Mr. Shaver So do we need the letter or not.

Mr. Martin I think the issue is closed. I would like to have that letter from the jurisdictional agency NYS Fish and Wildlife.

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Mr. Dannible Referring to the LaBerge letter we responded with a detail to the comments, we have updated the plans. Which included stormwater and grading, In general, all 16 comments relating to the SWPPP were addressed without any substantial changes.

Mr. Martin I think this is the third update to the stormwater, I've got three books of narrative, calculations and all. This is the third edition.

Mr. Dannible These are all just technical issues which we will continue to work with LaBerge to make sure all are addressed.

Mr. Martin I think the review is in process, I expect a letter from LaBerge in the next week to 10 days.

Mr. Martin My understanding, what's formally being asked for is preliminary approval, it can even be conditioned but that's what they're looking for tonight. I remind the board that I do have the final application process to go through before the final decision. At that time, I would like to have the SWPPP and the water extension issued addressed as part of the final review before the final decision.

Mr. Shaver So we could grant preliminary tonight, are there any conditions we need to add.

Mrs. Buettner I don't think you need conditions to your preliminary, the preliminary allows them to go to DOH and get the process moving along so there will be a few months until they come back for a final.

Mr. Dannible That is correct.

Mr. Shaver We are at the stage now where we need to make a motion to grant preliminary approval towards subdivision.

Mrs. Buettner Yes.

Mr. Martin The amount for the road repair has been going back and forth a little bit. They did a good job of following through, they received an estimate from O'Connor for the overall road repair of \$ 80,000.00. what I failed to extract out of that, and the attorney clarified for me is that of that 80,000 10% or \$8,000.00 is assigned to their impact or contribution to the degradation of the road. That is their assessment. Paul Joseph looked at this and verbally got back to me today along with an email. The position he would like to take is, he will do the paving at the point the project is completed to get the road up to a standard condition, he is thinking a reasonable amount would be \$46,000.00 for the cost of materials. He will provide the labor, do the work and paving. It hasn't been determined if the applicant agrees with that yet. I recommend to the board not getting caught up in the amount at this time, I would focus on the established framework, there's a road issue they need to come to an agreement as to what a contribution should be, but as to what the exact amount is as a subdivision review we don't want to go there.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 2nd day of August 2021 at 7:00 pm.

**A motion was made by Mr. Shaver to grant preliminary approval for the Jacobie Subdivision and seconded by Mrs. Mathias.**

<b>Mr. Shaver</b>	<b>Yes</b>
<b>Mrs. Mathias</b>	<b>Yes</b>
<b>Mr. Arnold</b>	<b>Yes</b>
<b>Mr. Seybolt</b>	<b>Yes</b>
<b>Mr. Bouchard</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Aye</b>

**All in favor. Motion Carries.**

The board thanks the applicant, they are dismissed.

### **#5 Baker Falls Solar LLC**

#### **Nexamp**

**11-13 Electric Drive, Moreau NY**

#### **Extended Review**

Project Description: The applicant proposed a 2.5 MW AC Community Distributed Generation solar project located on three parcels of privately owned, vacant industrial land located at 11-13 Electric Drive.

Mrs. Buettner For the record Meredith Mathias is leaving because she has to recuse herself.

Mr. Martin The pending issue here was on the Laberge report on the decommissioning plan, that came in I believe last Thursday. It appeared to be very thorough and on point. I haven't had a chance to review it in detail, but the report is with us now and according to my note, if we had it received it by August 2<sup>nd</sup> we could consider tonight what the ask was from the applicant which was to set the public hearing for the August meeting two weeks from this evening.

Mr. Mitchell That is correct and if you care to do so we can go through any comments from LaBerge's letter. Specifically, the decommissioning plan and how the valuation was calculated unit price per MW.

Mr. Martin That's going to be awkward how we transition from the site plan review to approval from the town board for the decommissioning plan.

Mr. Mitchell The main thing here is that there is a decommissioning plan and that the decommissioning is required.



A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 2nd day of August 2021 at 7:00 pm.

Mr. Martin What I would ask Travis is to the extent of the decommissioning plan has to be revised and updated to be consistent with the LaBerge comments. That would be beneficial, so we can forward that onto the board and begin the process.

Mr. Mitchell. Yes, we are only at the public hearing stage, so we've got a few rounds to go here. We will certainly work to update the plan for consistency.

Mr. Martin In that regard we can do this concurrently, we can start the process with the town board as the site plan review process continues.

Mr. Bouchard Do we have anything on the agenda for next meeting.

Mr. Martin We have potentially two public hearings if the board approves the applicant tonight.

**A motion was made by Mr. Bouchard to set a public hearing for 7:05PM for August 16<sup>th</sup>, 2021 for Baker Falls Solar LLC Project and seconded by Mr. Shaver.**

Chairperson Jensen all in favor say Aye.

<b>Mrs. Purdue</b>	<b>Aye</b>
<b>Mr. Shaver</b>	<b>Aye</b>
<b>Mr. Arnold</b>	<b>Aye</b>
<b>Mr. Seybolt</b>	<b>Aye</b>
<b>Mr. Bouchard</b>	<b>Aye</b>
<b>Mr. Jensen</b>	<b>Aye</b>

**All in favor. Motion carries**

The board thanks and dismisses the applicant.

Meeting was adjourned at 9:10 pm.

Respectfully submitted,

*Katrina Flexon*