

Subdivision for the Estate of Franklin Gearing on Real View Drive and New Concord Road for Alan Gearing, Wayne & Dodie Gearing and David & Mary Gearing. Also 2 BLA's for Wayne & Dodie Gearing and David & Mary Gearing.

Represented by Fred Haley, surveyor and Dodie Gearing. Mr. Haley presented new maps showing the outstanding items from the last meeting.

1. Show the setbacks -(50 feet) around the lots and 350 feet back from the road. *okay*
2. Show the driveway/ROW/easement for the new lots. *okay*
3. Put language on the map describing the shared driveway. *okay*

Mr. Haley stated that if the properties sold to a third party, they could each get their own driveway onto New Concord Rd since they all have the needed amount of frontage and acreage size.

Mr. Haley also said the BLA for David & Mary Gearing was expanded from 1 to 4 acres due to the fact that they wanted more woods. Lot #1 was reduced from 12 acres to 10 acres and lot # 3 was also reduced from 12 to 10 acres. After reducing lot #1 and lot #3, lot #2 is now increased to 30 acres. The BLA for Wayne and Dodie Gearing remains the same as stated last month; only adding 1 acre to their current parcel.

David said he was concerned that the Board is approving a common driveway being used now by 1 but will be used by 4 parcels. He said the Board needs to have legal review on this. Chad said the driveway needs to have this approved with a driveway permit. The driveway permit would have to be on file and approved **before** any building permit could be issued. David felt the driveway should not be shown at all if they are not approving it. Chad said no; the driveway must be shown since it currently exists. Chad said the Board is not approving the driveway. David thinks there should be rules about approval of multiple parcels off one driveway. Pierre said to do that we have to change the zoning law. David wants to make sure there is a maintenance agreement on this. Pierre said the Board can put conditions on it. The driveway must be attached to the furthest parcel. Mr. Haley had put a note on the map which says " *the maintenance responsibility for and any costs of the existing gravel driveway (Real View Dr) shall be shared equally by all partners but shall be managed by Wayne and Alan Gearing.* "

MOTION TO APPROVE THE SUBDIVISION AND BLA'S FOR THE GEARING PROPERTY WITH THE FOLLOWING CONDITION- THE COMMON GRAVEL DRIVEWAY WILL REQUIRE AN EASEMENT AND DRIVEWAY MAINTENANCE AGREEMENT BEFORE ANY TRANSFER OF PROPERTY- Pierre Gontier

Second- David Birch

All in Favor

Roll call Chairman J. Pierre Gontier-yes
 Marlene Tuczinski-yes
 Jens Braun-yes
 David Birch-yes approved
 Chad Lindberg-yes
 Mark De Sanctis-yes

A fee of \$125.00 was collected(Exempt subdivision \$75.00 and 2 BLA’s \$50.00).

Review and Approval of the June 20th minutes

MOTION TO APPROVE AS WRITTEN- Pierre Gontier
 Second- Chad Lindberg

Roll call Chairman J. Pierre Gontier- yes
 Marlene Tuczinski-yes
 David Birch-abstain absent on 6/20
 Jens Braun-yes approved
 Chad Lindberg-yes
 Mark DeSanctis-yes

Discussion the Solar Law

Pierre said he thinks the Supervisor will push this thru quickly and feels there will be a Public Hearing very soon. Pierre went over his suggestions to this law with the Board including the fact that there should be more definitions such as *solar farm, small commercial system non residential, residential/small commercial system, net metering, energy storage devices*. The use chart was discussed. Discussion on the minimum lot size requirement was for 5 acres but Mark said he would like to see more flexibility on that and reduce it to 3 acres.

Pierre said the Supervisor will not entertain the idea of a solar farm. Jens asked if 2 neighbors want to put in solar panels and one to own it and sell electricity to the other neighbor, is that allowed. Chad said no; that is not allowed. Chad said you can’t have or get a system that is more than 110% (maximum allowable use per the proposed law) of your last year’s usage. Jens thinks neighbors should be able to have a co-op to have/share usage. Chad and Pierre said the 110% is State Law. On commercial properties, they are allowed 200% of last year’s usage. Chad also said there is no appropriate commercial area in Town for a solar farm.

Pierre said Ancram, Hillsdale and the City of Hudson are trying to ban all solar farms and commercial. Columbia Land Conservancy is fighting the City of Hudson’s putting a solar farm on an old landfill.

Pierre said under the portion of the law referring to application he added applicant must provide and is required to do a Site Plan. David said he does not see any difference between solar on a house or in the ground. Pierre said there is a big difference; on the house is allowed. On the ground is not allowed and it needs to have other issues looked at such as setbacks and aesthetics. The neighbors are allowed input. David thinks the ZEO should decide everything. Pierre and Chad said it has to be regulated. Mark said there has to be regulations and rules, maybe not so restrictive but a law is necessary. Pierre said the Planning Board needs to do Site Plan Review.

Chad said there are 3 choices:

1. Permitted use- need to get a permit.
2. Special Permit- need to go thru Site Plan review.
3. Totally prohibited- as it is now.

David and Marlene said anyone should be able to just do it if they want. Pierre and Chad repeated that currently it is **prohibited** in Town so therefore a law is needed. Marlene asked where it says that and Chad read aloud from the Zoning Law in which it says if the use is not listed, it is prohibited.

David thinks the Planning Board should not be involved, just have it a permitted only by the ZEO. Chad said a benefit of Site Plan Review allows non conventional ideas to be done on a case by case basis. The Board can look at a property and its configuration to see if the panels might work in a non-workable area. The Site Plan Review process will cover future use and problems as well and is another good reason to do it this way.

Pierre said the height of the panels is also a potential problem. Most Towns are restricting the height to 10 feet. Andy Howard put in the law 20 feet. However, Pierre said that is too high. Pierre said 20 feet could inhibit the view shed and create more glare. Glare is a big issue that the Board needs to look at. Also the height depends on where it is measured from; from the ground up or from the poles up. The angle of the panels could also be a problem since the angle at the top of the panel might not meet the required sideyard setback.

Pierre will make the discussed revisions to the law and get it back to the Supervisor.

There was no more business before the Board.

MOTION TO ADJOURN- Pierre Gontier
Adjourned at 9:25pm.

Second- David Birch

All in Favor

Respectfully submitted,
Tammy C. Flaherty
Planning Board Clerk