

Town of Athens Zoning Board of Appeals
2 First Street, Athens, NY 12015
Meeting Minutes: June 14, 2023

The Town of Athens Zoning Board of Appeals was called to order at 7:00 pm at the EJ Arthur Elementary School, 51 3rd Street, Athens. The meeting began with the Pledge of Allegiance.

Board Members Present: Chairman Eric Nelson, Member Christian Ames, Member Christian Pfister, Member Helen Ihde, ZBA Secretary & Alternate Member Annmarie Krause. Absent: Member James Morabito Also present: George McHugh - Town Attorney, John Dowd - Attorney for the Town of Athens.

Also in attendance: Mary Beth Bianconi and Adam Yagelski - Delaware Engineering, Tara Borodin-Galarza - Phinney Design Group, Ariana Deschaine, Steve Wilson - Bohler Engineering, Jacqueline Murray - Murray Law Firm, Jason Dickey - TRC, Dave Swanson and Matt Landes- Freepoint Solar, Gene Bartels, Marsha Bartels, Joan Satterlee, Helen Franco, Michael Germinario, L. McCusker, Bulo Trenbear, Karen Dudley, Gail Scott, Dieter Hartmann, Margaret Muenkel, Rob Muenkel, Sean Collins, Teri VanWormer, John O'Donnell, Christine Stoddard, Jacqueline Tefft, Clinton Tefft, Helen Havlick, Robert Reetz, James Lee, Mike Keicher, Peggy Keicher, Denise Vignera, Ralph Vignera, Keirsten Vignera, Max Nolan, Kamie Garafolo, Melissa Beck, Chase Schaefer, Christopher Schaefer, Eric Holsopple, Elaine Cornacchia, Joa Tae, Jennie Allen, Mike Dossantos, Karl Geiger, Carol Metz, Elaine and Gary Kingiman, Sarah McDougall, Alexandr Skarlinski, Tom Krause.

Project: Stay at Lina, Albert Gjonbalaj, 698 & 706 Green Lake Road, Athens, NY 12015, Tax Map #'s: 103.00-4-37 103.00-4-38, Area Variances, Zone: RU - Residential (Green Lake Watershed Overlay), Relief from Front Yard Setbacks

Steve Wilson from Bohler Engineering stated that this project was before the zoning board approximately a year ago. It consists of three homes being built on three different lots. One house is currently under construction, while the other two have a ridge of rock running through the proposed foundations. Removal from chipping and drilling were too costly and the applicant is asking to revise the variances with a change in front yard setbacks. They are asking to move the houses approximately 20 feet closer to the road than is approved now. The code is for a setback of 75 feet and with this change the set back will be approximately 45-50 feet. The relief given previously were variances of 10 feet for 706 Green Lake Road and 21 feet for 698 Green Lake Road.

Chairman Nelson explained that a public hearing would be necessary and will be scheduled for the July 12th meeting. The construction of the two houses in question would have to wait until after the hearing, but construction may continue on the third house.

Project: Deschaine Café, Ariana Deschaine, 9760 NYS Route 9W, Athens, NY 12015, Tax Map #'s: 104.00-5-1, 104.00-5-2, Area Variance, Zone: MUC - Mixed Use Community

The public hearing for Deschaine Cafe was continued from the May meeting. Tara Borodin-Galarza of Phinney Design Group explained that the additional piece of property needed for the septic system has a closing date set and with the additional property there are both positive and negative changes in the setbacks. There are also some minor changes to the location of the parking and driveway and these are shown on the Layout & Grading Plan. In the septic area a raised mound is shown as darker lines.

There were no interested members of the public to discuss this project at the meeting.

Member Pfister asked about the future ability to sell the home. Ms. Borodin sees this project as an improvement to the exiting property and said the property is not financially viable without the home. It can be rented or used as the owners residence which is the plan at this time. They intend to have fencing on at least three sides of the property, but not on the side with the septic.

Chairman Nelson went through the table provided: The commercial lot, left side setback is improving from 0 ft to 11.4 ft with the required being 25 ft. The other areas are unchanged or improved. He does not see any issue with the commercial property. On the residential parcel, the side setback needs a 10 ft variance going from the required 25 ft to 15 ft. The rear setback required is 50 ft with 10 ft requested or a 40 ft variance. The lot size, which is a preexisting condition, has decreased for the residential lot and increased for the commercial lot with an overall increase in total acreage.

A motion was made to close the Public Hearing.

Motion: Member Ames

Second: Member Ihde

Vote: 5 Ayes - Nelson, Pfister, Ames, Ihde, Krause

A motion was made to approve the above variances for 9760 NYS Route 9W, Athens.

Motion: Member Ames

Second: Member Ihde

Vote: 5 Ayes - Nelson, Pfister, Ames, Ihde, Krause

Project: Freepoint Solar, Potic Mountain Road / Center Road, Athens, NY 12015

Tax Map #: 103.00-3-17, 103.00-6-1, 103.00-6-2, 103.00-6-4, Public Utility Solar Project

The Public Hearing for Freepoint Solar was continued from the May meeting. Chairman Nelson gave members of the audience a chance to speak that did not speak at the previous meeting. He explained that all the letters and other correspondence received are located on the website and noted that all of the letters received were in opposition to the project.

Adam Yagelski from Delaware Engineering gave an overview of the items Delaware has prepared since the last meeting. These included the State Environmental Quality Review Act (SEQRA) and the Environmental Assessment Form (EAF) part 2 and 3. These forms are needed to close the SEQR

process and make a decision on whether this project will have an adverse environmental impact. Delaware also provided a chart defining the three main standards used in making a decision on the project. This chart shows the main standards in the first column with components of each standard listed below. The second column, *Materials Submitted Summary*, shows materials submitted by the applicant or items developed as part of the record. Each row also contains a reference showing the origination of this material. There is a 70 page packet on the website with the full text of the material.

Chairman Nelson introduced Attorney John Dowd who is helping the board draft the resolution to be voted on next month. The goal for this meeting is to define what will be in that resolution. He discussed the three major criteria that Delaware Engineering shows on the chart and stated that there may be added criteria as the application is discussed by the board.

These items should be part of the resolution.

1. Documentation that the Freepoint solar facility proposed is a public necessity.
2. Documentation that the Freepoint solar facility is required in the Town of Athens to provide safe and adequate service
3. Documentation that there are compelling reasons, economic or otherwise, which make it more feasible to construct the solar facility in the RU zone than to use alternative locations where the use is permitted.

He added that community support or the lack of support should also be in the resolution. Based on the two public hearings it is obvious that the public is opposed. There were no members of the public that were in favor of the project.

Mary Beth Bianconi of Delaware Engineering added that the next step after closing the public hearing is to discuss SEQR and see if there is sufficient mitigation to allow a vote.

The public was then given the opportunity to speak before closing the hearing.

Sarah McDougall - 262 Potic Mountain Road is a new home owner and is opposed to the project. She works for a utility company. She said that she would not have moved to her beautiful home on a beautiful road if she knew this project was possible. She said that green energy isn't always so green and the environmental study cannot show the real impact. She asked what happens when panels break and when they need to be discarded, what if the owners sell the project and over time you can't find anyone that is accountable any more. There are pros to solar, but not in a residential area and should be kept in the area it is zoned for to keep our homes, our homes. This project is not good for Potic Mountain or Athens. The community should be the deciding factor not perks or money. She also asked if the applicant can re-apply in the future if they are denied and Ms. Bianconi explained that land owners have the power to come in front of the board as often as they would like because of New York State property rights.

Ms. Bianconi explained that the the standards by which the board judges the application were established in a court case and those standards must be used. Personal feelings of board members are not allowed to be part of the decision.

Jennie Allen - 32 Potic Mountain Road believes this would cause an environmental impact from storm water into creeks. She said you cannot replace the trees and so the habitat loss would effect the bio-diversity, pollinators and the native plants and wildlife. She feels the applicant is not showing how large this project is and says this is not a “large” forest because Buttermilk Falls bisects the contiguous forest land, but it is, actually, all one piece. The wildlife living on one side of this land also live on the other.

Melissa Beck - 464 Potic Mountain Road asked if the owners of the property selling or leasing to Freepoint are aware of the impact from this project. Ms. Bianconi stated that this is not the job of the Zoning Board.

Dieter Hartmann - 73 High Hill Road asked about the effect on the environment and if they will use insecticides, Round-Up or hydraulic fluids. These things will go into the well water. He also asked about noise coming from mowing. He explained that this will decrease home value and did not know about this project when he bought his home two months ago. He asked that this project be denied.

Christine Stoddard - 327 High Hill Road wants to know the plan to relocate the animals because 39 acres of animals will have no where to go. There are nesting eagles with 3 fledglings and the eagles usually have a ten mile radius to feed in. They will think the solar panels are water and will want to find a place to feed. The animals will be forced into the neighboring backyards because they are displaced.

Kamie Garafolo - 544 Potic Mountain Road said this is a beautiful area where she would like to see her grandchildren run around one day. She worries about the seepage into the water and the effect of chemicals and cancer. This effects the wooded areas they hike through. There is plenty of commercial property available for this project.

Denise Vignera - 549 Potic Mountain Road wants to know what happens after the 25 year life of the solar panels. Chairman Nelson explained there is a decommissioning plan.

Karl Geiger - 1581 Schoharie Turnpike asked why Greene County has all these solar panels and no help to residents. The bills just go up. He asked why the 43 acres of wooded land are used when there are other places. Chairman Nelson explained that the board does not have the power to choose where the solar will be installed.

Rob Muenkel - 55 Billingswood Point said that the decision is based on standards including community need. He hopes that there is solid data to prove that this power is actually needed because most of the power generated in this area goes to New York City.

Carol Metz - 1381 Sleepy Hollow Road said that it used to be the mission to save the trees and now they want to take down acres of trees. We need to save the trees.

Elaine Cornacchia - 4 McGovern Lane asked what area the “community” covers because she does not feel it is this community.

Clinton Tefft - 516 Potic Mountain Road said that he grew up in this area and lives near the project. He feels this is going to be a contract they may not renew and then this land would be zoned commercial for the future. He explained that the community does not want this and that green, wildlife and trees are precious. He also said that the soil is made up of shale and clay and do not leach well. This residential area should not be re-zoned commercial.

Chairman Nelson explained that if this project was approved it would be approved for solar only and not any other commercial application.

Joan Satterlee - 164 High Hill Road explained that she owns a farm in Coxsackie and said no to a solar farm on her property because it is wrong even though they could have made money for the rest of there lives. She feels this land should remain green.

Karen Dudley - 463 Potic Mountain Road asked if it is too late to go back to the judge and ask why this precedent was used since it was talking about an existing structure. The lawyers working with the board was believe it is too late.

A motion was made to close the Public Hearing.

Motion: Member Pfister

Second: Member Ames

Vote: 5 Ayes - Nelson, Pfister, Ames, Ihde, Krause

Chairman Nelson began with the major considerations from the standards chart mentioned earlier in the meeting.

1. *Is this project required to provide safe and adequate electric service to the Town of Athens?* The position of the Chairman is that it has not been proven. He believes there is safe service in the Town of Athens. Freepoint has referenced the Climate Leadership and Community Protection Act of 2019 which states there is a 6 gigawatt goal for distributed solar by 2025 and the state of New York, the Governor and NYSERDA have said that the State is on track to exceed that goal. A 5 MW faculty in a residential rural setting is not needed to achieve the goal and is not needed for generation in the town. Member Pfister agreed stating that this small solar farm would not have much of an impact.
2. *If this application is denied, does it put the Town of Athens in a position to experience a severe hardship or inadequate power services (e.g. brownouts or blackouts) as a result of not constructing the project in the RU zone.* The Chairman feels the answer is no, this will not cause Athens any financial hardship. He does not feel it would cause a hardship for Freepoint either.
3. Freepoint has not provided a cost or feasibility analysis of performing infrastructure upgrades to either the North Catskill Substation or to the electrical feeder which runs from the Catskill

substation across multiple parcels zoned as Mixed Use and parcels that are zoned to allow a solar generating facility. A study to upgrade infrastructure and use a parcel that is zoned for this use has not been done.

Other considerations listed by the Chairman are:

1. Public Support - there seems to be very little to no public support for this application.
2. Climate Leadership and Community Protection Act of 2019 is referenced many times in the application. There are a number of things this legislation wants to encourage and he feels this application is not achieving those goals:
 - a. Minimize storm water impacts, added waste water, impacts to forestry
 - b. Minimize impacts to disadvantaged communities
 - c. Promote natural carbon sink, including but not limited to afforestation and re-forestation,
 - d. Encourage ecosystem restoration
 - e. Implement measures to achieve healthy forests that support clean air and water, biodiversity and sequester carbon
3. Uniqueness - Freepoint has not shown this site to be unique within the Town of Athens. Freepoint has not shared details behind their site selection process and Freepoint has not shared any feasibility study related to parcels that are zoned Mixed Use or Industrial that would allow for the proposed use. The Chairman feels that as Central Hudson changes and the infrastructure evolves with more electrification, there will be more infrastructure in the town that would support solar generation.

Attorney Dowd asked that the press release from Governor Hochul be posted to the drop box on the website.

There were three sections of the Delaware Engineering chart that had no response in the “Materials Submitted” section. Attorney Jacqueline Murray from Murray Law Firm added the following:

1. For the section on page one, *“Information about whether residents and/or businesses in the Town are, or can be, provided solar electricity by other means, such as obtaining power from another community solar facility.”* Attorney Murray explained that the court in the Con Ed case as well as the Freepoint case stated *“the inquiry for need is not that there is no other public utility provided available that could provide access to the proposed utility service and that the locality is not already served by another service provider, but rather the public necessity must be in a broader consideration of the general public’s need for service.”* She went on to say that this shows it is not the local need for service, but the need of the general public. It is a broader need that should be taken into consideration. Chairman Nelson asked if this means that the Town of Athens may not need the service, but the State of New York may? Attorney Murray said she was stating this to fill in the answer to the missing summary piece on the chart which will help to guide the board to the position of Freepoint. She is not saying there is no need in the Town of Athens, but need is described as for the general public. She said that the goals of the climate act have not been achieved yet and the state legislature has stated that there is this need for solar energy by certain dates. The solar energy available now is not consistent with the goals in that legislation. The solar generation by Central Hudson now is not sufficient to meet these needs at

this time. Anyone in the Central Hudson territory can subscribe without regard to municipal boundaries. We can't speculate on the timing and size of future solar facilities. Chairman Nelson stated that the Governor and the State have done this. Attorney Murray stated that we know there isn't sufficient production now. Ms. Bianconi asked if there are waiting lists for people or businesses asking for solar. Attorney Murray replied that if you go to the Central Hudson website you can see that there are three CDG solar facilities that are sold out. The residents of the Town are not receiving 100% or even 70% of their power from solar.

2. For the section on page three, "*Whether there are other parcels in Town which are served by a substation with available hosting capacity and, if any exist, their location and suitability to construct the proposed solar facility.*", Attorney Murray says that they did reference the hosting capacity map and would like that added.
3. Also on page three, "*The cost and feasibility of performing upgrades to the North Catskill electrical substation which are necessary to construct the proposed solar facility in a zone where such facilities are permitted.*" Attorney Murray explained that they cannot assess that cost or dictate how Central Hudson uses their infrastructure. Central Hudson, in 2017, agreed that they have capacity at this site and not necessarily at the sites where the project is permitted by code. Chairman Nelson said that there is a feeder that goes by parcels that are in mixed use commercial and industrial zone parcels. He feels that no evidence was shown that Freepoint looked into use of these properties by purchase or any other means. Attorney Murray said that they had found the Potic location did have capacity and so did not seek any other site. Ms. Bianconi explained that Central Hudson will do a feasibility study for the project, if paid to do so.

Attorney Murray also stated that there were ten letters of support for the project on the record from the previous submission. Chairman Nelson explained that some of those letter came from people that never lived in the Town of Athens, some may have moved and that no one in support of the project have come to any of the meetings.

Ms. Bianconi discussed the the Environment Assessment Form (EAF) part 617 of the New York State Environmental Conservation Law Environmental Review Act. The documentation used to describe the environmental conditions of the site comes from the applicant and from publicly available sources. The issues must be documented and verified by an agency and with public records and backed up with facts and documentation. This information is reviewed by Delaware Engineering, questions are asked and feedback given explaining how and where the information originated.

This information is given for the 18 categories and decisions include the mitigation measures. Knowing the project will have some impact, the question is does the project create impacts to the environment that may be significant (as defined by the law) and are the mitigation plans limiting the impact to an acceptable standard. The measures must be possible and reasonable. There can also be stipulations, for example permits, to help to make sure the needed mitigation is accomplished. The approval of the EAF is not an approval of the project, it just shows that these important issues have been considered. This environmental review is part one and must be done before any decision is made on the application.

The applicant has submitted documents stating that the panels are silicon based and not made of hazardous materials and can be disposed of in a landfill. If this application goes to the planning board a stipulation can be added that states no hazardous material can be used in the panels.

We do not have a lot of experience with the long term impacts from solar facilities. However, they do have a useful life and a detailed decommissioning plan has been submitted. Conduit would be resurfaced below four feet and panels and racks would be removed. The plan also include the costs to remove. The town would have a bond to help restore the site, if needed. Delaware engineering reviews all of the items and sub-questions and evaluates them using the SEQR handbook from the DEC website. This will guide the conclusion of what is considered a large impact and what is not.

The sections of the EAF were then discussed by both Ms. Bianconi and Mr. Yagelski:

1. *Impact on Land* - Answer is Yes. NRCS data was supplied showing soils found on the site generally have a water table depth greater than 80 inches, though they may be seasonally higher. Soils are shallow and have low infiltrative properties. The depth to bedrock is generally 10-40 inches. The project involves land clearing, land disturbing and construction activities on slopes 15% and greater. The work would include driving, drilling or screwing the racking posts. No blasting is proposed. Mitigation measures proposed is a SWPPP following DEC specifications. There is specific guidance for solar and the applicant has claimed they meet these guidelines. This would be confirmed at site plan review. They say they can avoid the 25% or greater slopes. They will install the construction phase erosion and sediment control. They have applied for a waver with DEC because the project will disturb greater than 5 acres in total and would impose additional inspection and stabilization requirements. If not approved, maximum disturbance must not exceed five acres. They are proposing to cut trees in certain steep slope areas and not disturb the soil and there would be vegetative cover maintained at a maximum height of two feet. Mowing would occur twice a year. They are also proposing infiltration trenches. Member Pfister asked about section 1(c) and why this marked “no or small impact” and not “moderate to large”. The answer was that the impacts are related to drilling and driving necessary to install the piles with holes less than 6 inches. No excavator is being used and so this is a low impact.
2. *Impact on Geological Features* - Answer is No. This site is not a unique or unusual land form.
3. *Impacts on Surface Water* - Answer is Yes. There are waters in the area that are affected. There are no regulated wetlands documented as occurring on the site. There is a mapped stream likely suited to trout spawning located approximately 400 ft southwest of the project site which likely receives runoff from the site. Except for management of invasive species, no pesticides are proposed to be used during construction or operation of the project. The proposed project will result in greater than one acre of soil disturbance (approximately 35 acres) and results in an increase in impervious surface including the transformer pad, therefore SWPPP is required and addresses quality and quantity impacts. An analysis of the sub-water shed pre and post development demonstrates, at this stage, that it can be done without increased runoff. This is partly because of project design and infiltration measures allowing water to move more slowly through the site and mirror existing stormwater sheet flow patterns. Less than a tenth of an acre would be used for equipment pads causing minor quality of water impact. Calculations have been provided to demonstrate that the project, as designed, would not increase runoff in the

developed condition. Member Ames asked about flooding in the future caused by this project. This would be a civil matter. The state has jurisdiction in these matters, not the town. During construction the state will have inspections during and after the project to be sure the stormwater flow is unchanged.

4. *Impacts on Ground Water* - Answer is No. No documented studies show that this is the case.
5. *Impact on Flooding* - Answer is Yes. This project will modify existing drainage patterns. The project site is not located within a designated floodway or a 100 or 500 year floodplain. The proposal may result in modification of existing drainage patterns and a change of flood water flows. Member Pfister asked about (d) and why is this a small impact when cutting down so many trees. The answer is the mitigation offered. Chairman Nelson asked to have more information at the next meeting as to how this conclusion was decided after removal of forty acres of trees.
6. *Impacts on Air* - Answer is No. No smoke stacks or things of that nature.
7. *Impact on Plants and Animals* - Answer is Yes from loss of trees and displacement of natural communities. No designated significant natural communities are located on the project site, but the site lies within 400 yards of an Oak-Hickory Forest and a Shale Talus Slope Woodland. These habitat types have been named unique by the state and classified as high quality occurrences. These are to the west of the site. These areas are off-site and would not be disturbed as part of the proposed action. The project would replace mature trees with grass and fence with privacy netting that would inhibit movement of wildlife. A review of the 2019 Greene County NRI (Natural Resources Inventory) shows that the site is within a mapped contiguous forest patch of less than 200 acres. This forest patch is not within or adjacent to priority large forest blocks or linkage zones set forth in the NRI. The planned land use is different, but it is mixed with vacant and low density residential and roadways. This is not a situation where the road is running into a high quality occurrence or undeveloped land. A northern long-eared bat has been documented within 3.5 miles of the Project site. As mitigation, restrictions on any tree clearing during parts of the year (generally, November 1 through March 31), will be followed. No pesticide use is proposed. Disturbance during construction would be temporary. Tree clearing would most likely occur during the winter months, during which potential impacts to breeding birds would be minimized.
8. *Impact on Agricultural Resources* - Answer is No. This is not the soil group.
9. *Impact on Aesthetic Resources* - Answer is Yes. This project causes sharp contrast to the residential land use. The applicant has submitted a visual simulation showing that, accounting for vegetation and buildings, there would be minimal views to the project from visual resources including local, state, listed and eligible sites and scenic areas of statewide significance, among others. Views across the area analyzed beyond these visual resources would also be minimal. The areas that are visible have mitigation plans shown in the visualization. The foreground will have existing trees and a fence and the middle ground, where the panels are, will likely be invisible.
10. *Impact on Historic and Archeological Resources* - Answer is No. State historic documents were used for this.
11. *Impact on Open Space and Recreation* - Answer is Yes. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling and wildlife habitat. As

mitigation, a SWPPP has been developed and an analysis provided demonstrating that the project can be constructed and operated without an increase in stormwater runoff. The soils on the project site are shallow and based on the fact that most soils are in hydrologic group D and have low storage potential with a lot of runoff, the project site is likely similar to the surrounding area. Several adjacent parcels have been developed for residential purposes and the site is bounded on all sides by public roadways. There is a plan in place for decommissioning the project and restoring the site once the project has ceased operating. The project site is private property and not a public recreation resource. This will not generate a lot of noise, odor or light and will sit in the woods and have a lower impact than other projects might have.

12. *Impact on Critical Environmental Areas* - Answer is No. There are none in Greene County.
13. *Impact on Transportation* - Answer is No. There will be no impact once the project is built.
14. *Impact on Energy* - Answer is No. The project should create energy.
15. *Impact on Noise, Odor, and Light* - Answer is No. Not in the long term or during construction.
16. *Impact on Human Health* - Answer is No. No documented studies show this to be an issue.
17. *Consistency with Community Plans* - Answer is Yes. The property is not zoned for solar. We rely on the information the applicant has provided for landscaping and screening as part of the visual impact analysis, as well as a maintenance plan for the landscaping and vegetation proposed for the site. There are aspects to the project that are not far off from the present use. The project has been designed with the required setbacks and the applicant has submitted material indicating that compliance with the Town's utility-scale solar zoning requirements is intended. The project has been designed to comply with the Town's steep slopes requirements. Mr. Yagelski believes a negative declaration is appropriate under SEQR given the record and the analysis.
18. *Consistency with Community Character* - Answer is Yes. The proposed action is inconsistent with the existing character and also is inconsistent with the character of the existing natural landscape. This is open space, low density, residential and undeveloped land. The proposed project is a commercial use supplying energy to the public utility, it is different than the current character and the applicant has proposed mitigation to reduce visual impacts, as described above. There is mitigation that keeps this project from rising to the level of asking for a positive declaration and Full EAF.

Member Ames asked how this relates to the nuclear power plant. Ms. Bianconi explained that the environmental is not about Con Ed vs Hoffman. This part is about SEQR and a positive or negative declaration deciding if this project would have an adverse environmental impact. There is documentation that must show that with mitigation this vote can be taken. If more information is needed a positive declaration would be made. The amount of information needed to vote on the Use Variance is less than the level of information that will be needed for site plan approval. More information will be requested and reviewed if this project goes to planning.

Chairman Nelson asked the board members to look over narrative and other information before the next meeting and if there are any questions ask before the next meeting.

Mr. Yagelski mentioned that if the Use Variance is granted, measures can be added that could aid in mitigation of the environmental issues.

Member Pfister asked about the impact to people living in that area and if we need to do an EIS (Environmental Impact Statement). Ms. Bianconi stated that in the professional opinion of Delaware Engineering the information provided is what is needed to take a vote. She said that even if this board votes for a negative declaration, if more information comes to light, the Planning Board can vote on a positive declaration. The SEQR Process could be reopened.

Sarah McDougall asked if the application can be held up while the applicant considers other locations. The answer is that they cannot, but this information will be considered while deciding the vote on the project.

Meeting Minutes: May 10, 2023

A motion was made to approve the Minutes of May 10, 2023 as written.

Motion: Member Ames

Second: Member Pfister

Vote: 5 Ayes - Nelson, Pfister, Ihde, Ames, Krause

Further Business: None

With nothing further to come before the Board, a motion was made to adjourn the meeting.

Motion: Member Pfister

Second: Member Ames

Vote: 5 Ayes - Nelson, Pfister, Ihde, Ames, Krause

Meeting Adjourned 9:24 p.m.

Respectfully Submitted,
Annmarie Krause, ZBA Secretary