

Town of Waterford
Planning Board
65 Broad Street
Waterford, NY 12188

Minutes of May 8, 2023

At 7:30 PM, the regular monthly meeting began with attendance taken. Chairman Woodin and members Peter Fletcher, Harriett Fusco and Robert Lefebvre were present. Mr. Henry was absent and replaced by Alternate Member Brian Brusco. Consultant Nan Stolzenburg was also present.

Mohawk Fine Papers proposes to sell certain tax parcels of their industrial complex on Mill Road (currently a private road). In order to accomplish this, a lot line adjustment must be conducted. Eric Ouderkirk of Mohawk Fine Paper Co presented plans for a lot line adjustment. The plot plan provided was very detailed and difficult to understand what parcels were being subdivided and annexed. An alternate drawing plan that was color coded was also presented.

Mr. Ouderkirk explained the steps that would be taken to subdivide Mohawk property and annex it to other parcels. The following are the steps to be undertaken:

1. Tax parcel 295.8-4-49 (6.89 acres) will be split into two parcels (3.41 acres and 3.48 acres).
2. The 3.41 acres parcel will be annexed to tax parcel 291.17-2-21 on O'Connor Drive.
3. The 3.48 acres parcel will remain part of tax parcel 295.8-4-49 along Mill Road.
4. Three tax parcels (295.8-4-49, 295.8-4-42, and 296.-1-2) will be purchased by Albany Engineering who will operate the hydro-electric plant that is on the latter two parcels.

Chairman Woodin explained that normally, any subdivision must have lots that access a public street. Decades ago, Mill Road was a town highway before becoming a private road owned by Mohawk Paper. As a result, tax parcels 295.8-4-49, 295.8-4-42, and 296.-1-2 are currently landlocked. In earlier discussions, Mohawk Paper agreed to provide permanent access across Mohawk property for the three tax parcels to be sold to Albany Engineering. The permanent access would be granted in the deeds and be noted on the lot line adjustment plat.

Jim Bessa Sr., CEO for Albany Engineering noted that he built the hydro electric dams in 1987 for Mohawk Paper who then had a 35 year lease with Adirondack Hydro to operate the facility. Bessa was asked what would be done with the 3.48 acres parcel as it is in the L-C District. He stated that it would be used for temporary storage of equipment when it

was necessary to work on the hydro plant. He was asked to address the possibility of wind turbines being placed on the site as this was a comment made by a citizen on the Town's Facebook page suggesting that wind turbines might be a future use of the property.

Prior to the meeting, Besha had submitted the following:

1. Wind turbines are not sited at sites without wind such as low areas near rivers
2. Wind turbines have nothing to do with a hydro project anyway
3. Hydro is federally regulated - there is no state or local regulation of hydro projects; not even zoning. All federal under FERC. In fact, NYS case law in this regard was the Fourth Branch V. NYSDEC case many years ago)

Chairman Woodin informed the Board that Saratoga County had completed a 239-m review and found no significant County-wide or Intercommunity impact.

The Board then reviewed the LWRP Consistency Review Checklist and found that the project is consistent with local LWRP policies, the parcels are within the L-C district and there are no components of this project inconsistent with that district or the LWRP.

It was noted that SEQR was not applicable as this is a Type II action.

A resolution regarding the proposed lot line adjustment, a Type II action, a complete application, and conditional approval was read. Woodin motioned to accept the resolution which included a conditional approval, and it was seconded by Fletcher, approved 5 – 0. The condition of approval included the correction of a tax parcel number on the plat and to provide copies of the deeds showing that permanent access through the Mohawk property is granted to Albany Engineering.

At 8:05 PM, the Chair gave an update on projects on Bells Lane and Riberdy Grove. The Board also discussed the logistics of having the Planning Board prepare the SEQR for the ZBA regarding the proposed solar farm in Riberdy Grove.

At 8:30 PM, Woodin motioned to adjourn, 2nd by Fusco.