

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

Minutes of October 16, 2023

At 7:30 PM, attendance was taken. Chairman Woodin and members Peter Fletcher, Harriett Fusco, Paul Henry and Alternate member Brian Brusco were present along with consultant Nan Stolzenburg. Absent was Member Robert Lefebvre and Town Attorney John Dowd.

A public hearing was scheduled for a two lot, minor subdivision at 10 and 12 Knox Street. Lynn Sipperly of L. Sipperly & Associates presented a plan to divide a 1.07 acre property located on an alley at 10 Knox Street. The property is owned by Jon and Barbara Terpening. The Terpenings want to subdivide so that they can build a retirement home on the new lot which would be # 12 Knox Street. The new lot will be mostly (about 95%) in the Town while the driveway will exit onto what is unofficially known as Knox Alley.

On September 19th, the ZBA granted an area variance to allow an insufficient front setback for the proposed lot. The new lot will be # 12. There were no comments provided by the audience although Village of Waterford Planning Board Chairman presented Mr. Woodin with a letter from the Village Board formally naming the alley (known by various names such as Knox Street, Knox Alley, Knox Street Alley and West Knox Street) as West Knox Street. Homes at # 8 and # 10 currently have a Knox Street mailing address and it has caused confusion for emergency services trying to locate these homes as Knox Street and the alley intersect perpendicularly. The hearing closed at 7:36 PM.

The regular meeting began with the Board waiving the reading of minutes for five meetings held over a 57 day period in July through September. Minutes for September 17 & 31, August 14 & 28 and September 11 were waived on a motion by Chairman Woodin and seconded by Mr. Fletcher. The motion passed 5 – 0.

At 7:39 PM, the Board considered the Terpening subdivision with Lynn Sipperly presenting a minor subdivision for Jon and Barbara Terpening of 10 Knox Street. The County had previously given 239-m approval. Nan Stolzenburg noted that the SEAF needed to be revised to indicate three questions (12 a and b, 13 and 15) should be corrected to say “yes”.

The following resolutions for the project were all approved:

1. Lead Agency for SEQR – Unlisted Action
Motioned by Fusco 2nd by Brusco Approved 5 – 0
2. Negative Declaration for SEQR
Motioned by Fletcher 2nd by Fusco Approved 5 – 0
3. Minor Subdivision Approval
Motioned by Woodin 2nd by Fusco Approved 5 - 0

At 7:53 PM, Dylan Defrino (Seaboard Solar) and Attorney Mark Sweeney appeared before the Board to continue discussions for a special use permit and site plan review for two 5 MW solar facilities in Riberdy Grove along the Mohawk River. The property (approximately 136 acres) proposed for review is currently owned by John & Elizabeth McLaughlin of Troy.

Before proceeding with a review of the Environmental Design Partnership's comments,, Mark Sweeney requested that the Board name itself as Lead Agency for the SEQR process.

1. Lead Agency for SEQR – Unlisted Action
Motioned by Woodin 2nd by Fletcher Approved 5 – 0

With the resolution approved, a decision was made not to review the EDP comments in detail as Bohler was still working on their responses to the EDP letter. Instead, one of the major concerns involving the riparian buffer was discussed. In lieu of cutting the tops of trees in the buffer zones, an alternate may be to preserve a buffer with a specific, TBD width. Nan Stolzenburg recommended that grading be limited on the steeper slopes and that a buffer be in place around the pond.

A few residents of Riberdy Grove were in attendance and they were allowed to address the Board. Frank Jordanais of 2 Riberdy Lane asked if his residence fell into the area where camps would be removed. Dylan Defrino responded that the Jordanais camp was indeed in the affected zone. Jordanais then expressed his displeasure with the decision and was told that it was a landlord-tenant issue, not a Planning Board issue. Jordanais said that the tenants would be suing McLaughlin regarding their eviction.

Sheila Adams of 43 Riberdy Lane also asked about her home.

Before concluding the review of the solar project for the night, Chairman Woodin offered to hold a special meeting on Monday, November 27th should Seaboard want to expedite the review. That was agreeable to all parties. Bohler will complete their responses by October 20th and that will give the Town until November 6th to review the latest submittal. Then Seaboard and Bohler will have to the 13th to make any necessary changes. At the November 13th meeting, a status check will be made to determine if the applicant has satisfied all the requirements for the Board to take a vote on the project. The discussion ended at 8:35 PM.

After the applicant departed, the Board held an internal discussion to go over some of the points discussed earlier. Among them was if there is a weight limit on the bridge over the canal. The Chair said that he recalled the Building Inspector looking into that earlier in the year. However, since the bridge is owned by NYSDOT, there should be some discussion with them to verify what vehicles are allowed on the bridge. At some point, this bridge was posted as a R rated bridge.

How do you protect the undeveloped areas? The Town Board had previously said that they want to keep the property on the tax rolls. The L-C zoning severely restricts any future development of the year although about half of the property will remain undeveloped. It will be recommended that Seaboard retain the property with no further development.

There were also questions about which camps would be removed and which one would remain.

The Chair said that he would send an email to Dylan Defrino and seek answers to these additional questions.

At 9:37 PM, Woodin motioned to adjourn, 2nd by Brusio.