

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

Minutes of November 13, 2023

At 7:30 PM, attendance was taken. Chairman Woodin and members Peter Fletcher, Harriett Fusco and Robert Lefebvre were present. Member Paul Henry was 5 minutes late and Alternate member Brian Brusco was in the audience along with consultant Nan Stolzenburg. Absent was Town Attorney John Dowd.

The regular meeting began with the Board waiving the reading of minutes for the October 16th meeting. Motion by Woodin and 2nd by Fletcher and approved 4 – 0.

At 7:37 PM, a site plan review for a cannabis dispensary at 27B Saratoga Avenue was heard. The company known as M & J Genesis is made up of the following partners: Daniel Brown, Jason Wellington, Emily Pearl Hanrahan and Maston Sansom. Wellington and Sansom were the primary spoke persons for the group. They intend to open a recreational cannabis dispensary once they obtain a state license. November 17th is the tentative date for state approvals regarding pending cannabis applications. A January opening is sought for the dispensary.

A question was asked about what hours of operation would be in effect. The response was that the business would be open daily, about 100 hours per week. Woodin asked would that mean 14 hours per week from 8 AM to 10 PM? No specific hours have been determined yet, but they expect to have shorter Sunday hours. Security measures will be implemented as well.

A significant amount of the customers will be pre-orders which will cut down the amount of time that a customer spends at the store. Inside the store, there will be a waiting room. Customers will scan their ID in order to gain entrance into the store.

A question was raised about the number of handicapped parking spaces would be required in the plaza as there are two, both in front of the dispensary. Woodin said they would verify the number of spaces required and that it is based on the number of total parking spaces.

Nan Stolzenburg reviewed her November 13th comment letter to the Planning Board regarding this project. Parking and lighting were among the items to be addressed. There was also concern about a smoker's bench that was adjacent to the dispensary. The Town Cannabis law prohibits consumption on site and the appearance of smokers outside the store may give a perception to passerbys that the dispensary customers are consuming on site.

The applicants asked whether or not a building permit could be issued for internal renovations prior to Planning Board site approval. Woodin said he would discuss the matter with the Building Inspector and told the applicants that if a permit was granted, it is no guarantee of site plan approval. They would be proceeding at risk.

Finally, Nan Stolzenburg stated that the SEAF needed to be updated to reflect the presence of bald eagles in the area and that the plaza is located in a historic district.

At 8:20 PM, Dylan Defrino (Seaboard Solar), Steve Wilson (Bohler Engineering) 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.

A quick review showed that there were still two major items to resolve along with several minor ones. Steve Wilson first addressed the visualization issue. Bohler had photos taken at five strategic locations. Most of the trees surrounding the solar farm are 30 feet in height while the solar arrays are 10 feet high. The location is about 2700 feet from the Cohoes Falls outlook. OPRHP had previously signed off saying that there was no visual impact at this and other sites. Photos were also shown at other locations on Crescent Road and Flight Lock Road. In each case, the distance was over 1500 feet and the trees provided a dense screening even with the leaves dropped. Woodin noted that he had driven along Crescent Road and he could not see through the trees and was convinced that there was no issue with the arrays being visible.

Next item was the Riparian buffer. Dylan Defrino announced that panels would be removed off the steep slope (15% +) along the pond area. In all 40 panels would be lost, resulting in an insignificant loss of production. Defrino verified a week later that the loss would be about 3.7%.

In discussing the removal of the panels, there was confusion over exactly how the slopes would be treated with the applicants contradicting themselves at one point. Bottomline is that starting at the top of the steep slope, there would be no clearing down the slope. Instead, there would be selective cutting of large trees that would block the sunlight onto solar panels at the top of the slope. Stumps for those trees would remain to ensure slope stability. At the base, there would be a 25 foot, no touch zone along the wateredge.

Rather than this option, the applicants were asked why couldn't they move the outside boundary further out and put the 40 panels there rather than disturb the steep slope area? The response was that it would require another SHPO review for the new area and that could cause a 6 month delay.

What constitutes selective cuttings? These would be large trees that blocks sunshine from reaching certain solar arrays. As a condition of a permit, the project manager will submit a plan that shows what trees will be cut and the Code Enforcement Officer will verify the tagged trees before cutting is done.

Several minor issues were also discussed. As for the operation and maintenance plan,

Wilson explained that the panels are self-cleaning and holds up to hail. There will be remote monitoring that will identify if a panel fails. Inspections of non-electrical components is periodic (1 to 2 months). There will be unscheduled service visits as necessary. Mowing will be scheduled for the fall after the flowers die off.

The issue of assuring that no further expansion can take place at the site is regulated by the zoning and the need for a site plan review by the Planning Board. The applicants said that there will be no disturbance within the setback areas as they are part of the visual screening requirements. Also expansion is limited due to the fact that the interconnection maxes out capacity to 10 MW.

Final approval should specify equipment that will be used. The specific model and brand of the solar equipment is not known yet, but the applicant will provide the Town with a potential listing of what solar panels might be used.

At this point, it was decided that all the issues have been addressed and a vote can proceed. Woodin asked if the applicant was still interested in a special November 27th meeting. After some discussion, it was agreed that with the holiday week, there would not be enough time to wrap up the outstanding material and develop the necessary resolutions. So, at the next meeting (December 11th), the Board will be prepared to take action. It was also agreed that Mark Sweeney would draft the resolutions and that Nan Stolzenburg would perform the final editing of them.

At 9:30 PM, Woodin motioned to adjourn, 2nd by Fusco.