

**In The Matter Of:**  
*Town of Mamakating*  
*Planning Board*

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*Meeting Minutes*  
*1-23-18*  
*January 24, 2018*

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*Jeric Corporation*  
*Court Reporting Services*  
*P.O. Box 385*  
*Narrowsburg, NY 12764*  
*(845) 252-3515*

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TOWN OF MAMAKATING  
PLANNING BOARD MINUTES  
January 23, 2018  
TOWN HALL  
MAMAKATING, NEW YORK

PLANNING BOARD MEMBERS :

MORT STAROBIN, Chairman  
LORRENCE GREEN, Vice Chairman  
ALEX GOODMAN, Board Member  
ERIK COLLIER, Board Member  
JOSEPH RUSSEK, III, Board Member  
STANLEY ZAMONSKY, Board Member  
KYRA PLATT, Building Department  
JOHN CAPPELLO, ESQ., Attorney  
ADRIANA BELTRANI, Planner  
LAWRENCE PAGGI, P.E., Engineer

JERIC CORPORATION  
Court Reporting Services  
P.O. Box 385  
Narrowsburg, New York 12764  
(845) 252-3515

Reported by: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
PLANNING BOARD

----- X  
NORMAN ISAACS (DUNNTOWN SOLAR, LLC)  
Public Hearing - Site Plan Approval  
Tax Map Section 14; Block 1; Lot 25.1  
Mountain Greenbelt Zone

----- X  
NORMAN ISAACS (SUGAR GUM SOLAR, LLC)  
Public Hearing - Site Plan Approval  
Tax Map Section 14; Block 1; Lot 23.1  
Mountain Greenbelt Zone

----- X

Town Hall  
Town of Mamakating  
January 23, 2018  
7:04 P.M.

PLANNING BOARD MEMBERS :

- MORT STAROBIN, Chairman
- LORRENCE GREEN, Vice Chairman
- ALEX GOODMAN, Board Member
- ERIK COLLIER, Board Member
- JOSEPH RUSSEK, III, Board Member
- STANLEY ZAMONSKY, Board Member
- KYRA PLATT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- ADRIANA BELTRANI, Planner
- LAWRENCE PAGGI, P.E., Engineer

Also Present: Dan Compitello, on behalf of Applicant

JERIC CORPORATION  
P.O. Box 385

Narrowsburg, New York 12764  
Reported by: Rosemary A. Meyer

1                   - RE:  NORMAN ISAACS -

2           CHAIRMAN STAROBIN:  I guess we'll do a motion to open  
3 the meeting.

4           BOARD MEMBER GOODMAN:  Motion.

5           BOARD MEMBER ZAMONSKY:  Second.

6           CHAIRMAN STAROBIN:  Second, Stosh.

7           BOARD MEMBER GREEN:  Aye.

8           BOARD MEMBER GOODMAN:  Aye.

9           BOARD MEMBER COLLIER:  Aye.

10          BOARD MEMBER RUSSEK, III:  Aye.

11          BOARD MEMBER ZAMONSKY:  Aye.

12          CHAIRMAN STAROBIN:  Aye.

13                   (The motion was approved and carried.)

14          CHAIRMAN STAROBIN:  The meeting is open.

15          We have a new board member.  Stosh Zamonsky is back.

16          Alex Goodman has been sentenced, excuse me, is appointed to  
17 another seven years.  And Joe Russek --

18          MS. MEDLEY:  Life sentence.

19          CHAIRMAN STAROBIN:  -- has been appointed to a full  
20 membership.

21          I think one of the things that we want to do is we  
22 have to vote for the vice-chairman.  Lorry has been doing  
23 this for the past year or so and we'd like to have a motion  
24 to vote him for another year as vice-chairman.

25          BOARD MEMBER GOODMAN:  I'll make a motion to have

1                   - RE:  NORMAN ISAACS -

2 Lorry as another vice-chairman for another year.

3           CHAIRMAN STAROBIN:  Do we have a second?

4           BOARD MEMBER COLLIER:  Second.

5           CHAIRMAN STAROBIN:  We have a second.

6           Can we have a vote?  All in favor?

7           BOARD MEMBER GREEN:  Aye.

8           BOARD MEMBER GOODMAN:  Aye.

9           BOARD MEMBER COLLIER:  Aye.

10          BOARD MEMBER RUSSEK, III:  Aye.

11          BOARD MEMBER ZAMONSKY:  Aye.

12          CHAIRMAN STAROBIN:  Aye.

13                   (The motion was approved and carried.)

14          BOARD MEMBER GREEN:  Thank you.

15          CHAIRMAN STAROBIN:  Lorry is our vice-chairman.

16          A motion to accept the minutes from the last meeting.

17          BOARD MEMBER GREEN:  I'll make it.

18          CHAIRMAN STAROBIN:  A vote?

19          BOARD MEMBER GREEN:  Aye.

20          BOARD MEMBER GOODMAN:  Aye.

21          BOARD MEMBER COLLIER:  Aye.

22          BOARD MEMBER RUSSEK, III:  Aye.

23          BOARD MEMBER ZAMONSKY:  Aye.

24          CHAIRMAN STAROBIN:  Aye.

25                   (The motion was approved and carried.)

1 - RE: NORMAN ISAACS -

2 CHAIRMAN STAROBIN: Okay. It's unanimous. This is  
3 for the December minutes.

4 MR. CAPPELLO: That was the special meeting.

5 BOARD MEMBER RUSSEK, III: January 9th was the  
6 special.

7 CHAIRMAN STAROBIN: No. December 21st, the special  
8 meeting. So does everybody understand that? This is for  
9 the December 21st.

10 BOARD MEMBERS: Yes.

11 MS. MEDLEY: Mort, excuse me. Is your mic working? I  
12 don't think so.

13 CHAIRMAN STAROBIN: Okay. Well, I'll talk loud.

14 MS. MEDLEY: Okay.

15 CHAIRMAN STAROBIN: Kyra, do you want to announce the  
16 first applicant.

17 MS. PLATT: We're skipping over Olga and Elizabeth  
18 Horvath. We're going to Norman Isaacs, Sugar Gum Solar,  
19 LLC and lumping in Dunntown Solar LLC.

20 BOARD MEMBER RUSSEK, III: Yes.

21 MS. PLATT: Yes? Okay.

22 So Sugar Gum Solar, continuation, site plan approval  
23 for a ground-mount solar energy system. The property is  
24 located on Mount Vernon Road, Tax Map Section 14; Block 2;  
25 Lot 23.1 in the Mountain Greenbelt Zone and involves

1                                 - RE: NORMAN ISAACS -

2 approximately 36 acres.

3             Dunntown, same thing. Tax Map Section 14; Block 1;  
4 Lot 25.1 in the Mountain Greenbelt Zone and involves  
5 approximately 44 acres.

6             MR. CAPPELLO: I believe this is the continuation of  
7 the public hearing, so the Board would make a motion to  
8 reopen the public hearing.

9             CHAIRMAN STAROBIN: Okay. Motion to reopen the public  
10 hearing?

11             BOARD MEMBER ZAMONSKY: Motion.

12             BOARD MEMBER RUSSEK, III: Second.

13             CHAIRMAN STAROBIN: Stosh Zamonsky. Joe second it.  
14 Vote.

15             BOARD MEMBER GREEN: Aye.

16             BOARD MEMBER GOODMAN: Aye.

17             BOARD MEMBER COLLIER: Aye.

18             BOARD MEMBER RUSSEK, III: Aye.

19             BOARD MEMBER ZAMONSKY: Aye.

20             CHAIRMAN STAROBIN: Aye.

21                         (The motion was approved and carried.)

22             CHAIRMAN STAROBIN: Unanimous.

23             Do we want to have the public speak first in this  
24 case, how do you feel about this?

25             MR. CAPPELLO: That's a Board decision.

1                                 - RE:  NORMAN ISAACS -

2             CHAIRMAN STAROBIN:  Would you mind if we had the  
3 public comment on this first?

4             MR. COMPITELLO:  Not at all.

5             CHAIRMAN STAROBIN:  Then you can respond?

6             Does anybody want to speak about this project?

7             Okay.  State your name.

8             MS. DEDRICK:  Michele Dedrick.

9             MS. MEDLEY:  I don't think that's on.

10            MS. DEDRICK:  No.  No, it's not on.

11            MS. PLATT:  Just speak loud.

12            MS. DEDRICK:  Okay.  All right.

13            To the Supervisor, Town Board and Building Department:

14            As a homeowner at 600 County Route 56 we have several  
15 concerns about the Cyprus Creek solar array proposed to be  
16 placed immediately behind our property.

17            First, we are very concerned over how our land will be  
18 affected by this solar power plant and the clearing of 30  
19 acres.  The ground is not your typical soil and drainage is  
20 poor, at current, with thick tree brush and uncover  
21 present.  During the fall, late winter and early spring the  
22 ground is often saturated and does not drain well, leading  
23 to a silt and mushy state.  It's not quite swamp but not  
24 dry.  Since the drainage is poor we have concerns as to  
25 where rainwater will go.  With 30 acres of solar panels for

1                                   - RE: NORMAN ISAACS -

2 rainwater to sheet off and no trees, thick underbrush or  
3 groundcover to soak up the water, the water will sit in  
4 ground from even a small rainstorm. A meadow is not going  
5 to fix this problem. In fact, a meadow may not even grow  
6 in this current soil.

7           This power plant is going to change the surrounding  
8 landscape dramatically and give potential for increased  
9 water loving insects, such as mosquitoes. With threats of  
10 increase of mosquito borne illness on the rise, this is  
11 concerning for us as homeowners with children and pets, not  
12 to mention the fact that this will change our ability to  
13 use our property as we see fit and to the increased ground  
14 moisture and water runoff as this proposed clearing is  
15 directly against our property.

16           Secondly, we are concerned about the effects on local  
17 wildlife. My husband and I are both avid hunters and  
18 bought our home planning to use our wooded property for  
19 hunting during the various approved New York State hunting  
20 seasons. Cutting down 30 acres of trees changes the  
21 habitat of many animals, including turkey, deer, pheasant,  
22 mink, fox and rabbit, as well as it's a typical environment  
23 of many other animals. The large barbed wire topped fence  
24 will also cause changes to the animal habitat and limit  
25 animal movement, potentially affecting mating, nesting and

1                   - RE: NORMAN ISAACS -

2 causing destruction to resources. We have further concern  
3 of the potential impact of some protective species we have  
4 seen evidence of in this area, such as Peregrine falcons,  
5 red-tailed hawks, various owls, woodpeckers and bobcats, to  
6 name a few.

7           At this time we would like to ask and strongly urge  
8 the Town Board request an environmental impact study be  
9 completed to ensure this venture does not harm the habitat  
10 of the above-named animals and that this venture will not  
11 cause permanent changes to the landscape and ground  
12 condition or changes to the adjacent property directly  
13 impacted by this proposed project. We want to be sure this  
14 project will not alter our ability to use our property and  
15 that we will have many years on enjoyment here.

16           Respectfully, Joseph and Michele Dedrick.

17           BOARD MEMBER GREEN: I just ask how far down Route 56  
18 do you live from, like, Mount Vernon Road?

19           MS. DEDRICK: I believe we are the third house, maybe  
20 fourth house. The property where we came down with the  
21 town, the proposed property location, the entirety of that  
22 fence line is the back of my five acres. It sits right on  
23 their property line.

24           BOARD MEMBER RUSSEK, III: Thank you.

25           CHAIRMAN STAROBIN: Okay. The next person to speak is

1                               - RE: NORMAN ISAACS -

2 Veronica Brenner, is it?

3           MS. V. BRENNAN: Brennan.

4           CHAIRMAN STAROBIN: Brennan.

5           MS. V. BRENNAN: Hi. My name is Veronica Brennan. I  
6 live at 929 Mount Vernon Road.

7           I want to ask the question directly to Cyprus Creek  
8 regarding numerous times before they had discussed solar  
9 panel farms, but up in the central New York area, and that  
10 they had been completed already. I wanted to find out if  
11 they knew what company it was in relation to because I made  
12 some phones calls and I spoke to a writer who wrote two  
13 articles on two of the locations, two farms that were  
14 built, one 17 acres with 9,000 panels, another, 11 acres  
15 with 6,780 panels. Both were already cleared area and soil  
16 was poor and couldn't be used for agriculture. Then he  
17 advised me to contact the person who runs or oversees the  
18 solar farms, and she did have the same opinions as far as  
19 all of the positive effects of solar energy. But she did  
20 say that there were no trees cut down, only trees that were  
21 removed were trees that might have been in the area that  
22 would shade any of the panels, in future, to prevent any  
23 future shading. And she said that of the four solar farms  
24 that she manages, the oldest one running is started in fall  
25 of 2014. The other three are only up and running since

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2   December of 2016, which is only one year, the last one that  
3   is currently being worked on. They range from 12 acres to  
4   20 acres. None of them are up long enough to be running to  
5   demonstrate and show any health concerns or environmental  
6   issues, is one concern. And then she said if trees are cut  
7   down it's because they're trying to connect to the grid,  
8   which we understand that's what they're trying to do. But  
9   there has to be other areas that are closer or within the  
10  area to connect somewhere where we do not need to cut down  
11  all of these trees.

12           Another concern is down the road, with so many solar  
13  farms and different companies trying to install them, is  
14  there going to be saturation of all of these solar panels  
15  and then are we going to find something else and walk away  
16  from that, if we do go through with that.

17           And when I asked about savings, which was mentioned  
18  about if we did buy power from them, they couldn't tell us  
19  what will be the savings, she said that also, that would  
20  depend on where you live and the solar that you get, but  
21  also, the final construction cost because surprises that  
22  contractors may incur are going to tally up extra costs and  
23  therefore, will end up being passed on to the end user.

24           Thank you.

25           CHAIRMAN STAROBIN: Are there any another people who

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2 would like to speak regarding this?

3           Yes. State your name.

4           MS. K. SCHMITZER: Kathy Schmitzer (phonetic). I live  
5 on Bloominburg Mountain.

6           Since the last time I was here, I see different faces  
7 up on the Board so I thought I'd speak again.

8           I have a lot of concerns about this. First of all,  
9 the two properties that they have are literally side by  
10 side so it's basically like one humongous lot instead of  
11 having two the way they mention it.

12           I am very concerned about the environment, about the  
13 water runoff, about the wildlife. I mean wildlife is going  
14 to be immensely affected by this. There is no way that you  
15 can take out that many trees from the mountainous areas,  
16 with all the growth that's happening besides with homes  
17 being built. Where is wildlife going to go?

18           And they had mentioned something about there's other  
19 lots that are cleared up in that area, or different types  
20 of things, that there's rock quarries or whatever. Well, I  
21 don't know how long they've been there, but you can't start  
22 saying, Oh, if he did it, she can do it, or he can do it.  
23 You get out of total control there and you're going to wind  
24 up with a bare mountain and we are going to have flooding  
25 all over the place. So please keep that in mind.

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2             I don't understand why they cannot go find a lowland  
3 area that's farm. There's so many farms that are for sale.  
4 And if it's about the price of the land, I think that's  
5 something you really strongly should consider here, and is  
6 the Town of Mamakating required to accommodate them. If  
7 not, I think that we should hold our ground to say we're  
8 here first. And I don't think that -- and please,  
9 understand that I am totally for trying to save with  
10 different types of energy, but not at the cost of  
11 everything else.

12             So I think that if there's a place for them to find,  
13 that's already flat, there's lots of farmland that they can  
14 buy. Maybe the price is higher. Maybe that's why they're  
15 trying to go after this. I don't know. I'm not saying  
16 anything bad about them, but nonetheless. This is our land  
17 and I'm just getting sick and tired of getting pushed  
18 around and growth and growth and growth to the point where  
19 this is not what any of us bargained for.

20             So thank you.

21             CHAIRMAN STAROBIN: Thank you.

22             Yes, the next speaker. State your name.

23             MR. F. O'MARA: My name is Francis O'Mara 929 Mount  
24 Vernon Road.

25             My only comment is to the Board. As you heard tonight

1                                   - RE: NORMAN ISAACS -

2 from one of our neighbors on 56, and what we discovered in  
3 this process, is a lack of notification to the neighbors.  
4 They never received a letter. We've now discovered we have  
5 one, two, at least three houses that are adjacent to this  
6 property that were not notified about this project, had no  
7 knowledge of this project. And I don't know where it  
8 failed. I'm sure you'll -- there's a process in letters.  
9 I would imagine they should have been notified. If it  
10 touches their property line they're supposed to know, they  
11 should find out. Maybe I'm wrong, I don't know. You know,  
12 I haven't been able to find out that answer, what was  
13 needed to find, you know, what were the requirements for  
14 notification. But I want the Board to be aware that we,  
15 the people directly affected by this project, were not  
16 given the proper notification. You know, we're back footed  
17 here, you know, to be able to come to you and communicate  
18 with you. You know, they only just found out at the last  
19 workshop was the first time that they were here, which was  
20 last month. So they even haven't had a chance to fully,  
21 you know, absorb what this project is going to do to them  
22 and to our area. So please, I ask that, you know, if not  
23 for this project, but for future projects we make a better  
24 effort that people know what's going that's going to affect  
25 their lives.

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2             Thank you.

3             MS. PLATT:  I do have a comment for that.  They did  
4 come in.  I spoke with them.  They purchased the property  
5 from somebody who had received the letter.  The people they  
6 purchased it from did not inform them.

7             MR. F. O'MARA:  Okay.

8             MS. PLATT:  So --

9             MR. F. O'MARA:  I appreciate that, for their instance,  
10 and I thank you for the answer.

11            MS. PLATT:  Anybody else can come in --

12            MR. F. O'MARA:  Right.  Because I mean they are the  
13 new neighbors, the homeowners to the area.  The rest of us  
14 have been there at least 15, you know, if not 20 years.  So  
15 I mean, you know, and they did get notifications.

16            MR. CAPPELLO:  Ask them who they are because  
17 oftentimes, if the times letter goes out, I mean we do make  
18 every attempt --

19            MR. F. O'MARA:  We have one couple here.

20            MR. CAPPELLO:  Basically, contact Kyra because it is  
21 something we would address.

22            MR. F. O'MARA:  Right.

23            MR. CAPPELLO:  But sometimes there's letters that  
24 aren't picked up.  But there is a requirement that the  
25 Applicant go off the assessment roll --

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2           MR. F. O'MARA: Right. No, I understand.

3           MR. CAPPELLO: -- take the names off the assessment  
4 roll and provide us notification that the mail was sent.

5           MR. F. O'MARA: Right.

6           MR. CAPPELLO: Mail always doesn't get picked up or go  
7 to the right places, but we'll look --

8           MR. F. O'MARA: Right.

9           MR. CAPPELLO: It wouldn't be the first time in  
10 history that that's a mistake --

11          MR. F. O'MARA: You know, like I say, whether it was  
12 certified mail, you know --

13          MR. CAPPELLO: If a mistake was made, it's certainly  
14 possible, as well.

15          MR. F. O'MARA: I mean, you know, we all know my  
16 neighbor gets my mail sometimes. But, you know, we need to  
17 come up with a better, I don't know, better way of doing  
18 this. Maybe a notice on the actual door. You know, I  
19 don't know. Okay.

20          CHAIRMAN STAROBIN: John, what's the requirement for  
21 notification?

22          MR. CAPPELLO: The assessor's office usually, they'll  
23 do a map. They'll draw the 500 feet around it and then  
24 they'll take names off the assessment roll. In that  
25 instance where someone does purchase a property and their

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2 names aren't on the assessment roll until the following  
3 year as the owners, sometimes they do fall through the  
4 cracks. And sometimes the mail, certified mail, someone's  
5 not home, it just doesn't get picked up. And sometimes  
6 mistakes are made. We'll have to look at that. If folks  
7 are, indeed, within 500 feet and weren't on the list, I  
8 mean it's possible. The assessor or any of us could make a  
9 mistake. Or sometimes it's possible that there was the  
10 green thing and it just wasn't picked up.

11           BOARD MEMBER GOODMAN: The process is --

12           MR. CAPPELLO: Public hearing.

13           BOARD MEMBER GOODMAN: I mean the things have been in  
14 the works so it's not until that that the public notice is  
15 sent out.

16           MR. CAPPELLO: Well, it's posted. We post, on the web  
17 site, the meeting agenda. We try to keep the public  
18 posted, and word of mouth. But the legal requirement is  
19 within 500 feet by certified or registered --

20           MS. PLATT: Certified return receipt.

21           MR. CAPPELLO: Certified return receipt and off the  
22 assessment roll because that's the only way we can ...

23           CHAIRMAN STAROBIN: Do we have any other speakers?

24           MR. J. BRENNAN: Actually, I have a question, sir.

25           CHAIRMAN STAROBIN: Oh.

1                                 - RE: NORMAN ISAACS -

2             MR. J. BRENNAN: My name is Jamie Brennan. I'm on  
3 Mount Vernon Road too, right on the corner, 641  
4 specifically.

5             First, let me explain. I'm very direct and I've  
6 watched you at your workshop. Thanks for your time. I see  
7 you've been exceptionally thorough.

8             I think the point that I tried to make to the attorney  
9 last time was that whatever the ordinance is, it's not  
10 adequate. My brother-in-law and my sister are on the  
11 corner property, just somewhat next to where it's going.  
12 I'm just the across the street. My cousin, adjacent to my  
13 property, again, just across the street from the proposed  
14 area. So what we're saying is the effects of this project  
15 would be far more reaching than the 500 feet someone keeps  
16 referencing. I think that you should take time to notify  
17 the people who are in the complete surrounding area. I get  
18 that new ownership. This is not business as usually.  
19 Nobody every checks the web site and we don't want to bog  
20 you down with these speakers from the crowd. We're well  
21 served.

22             The question that I have is solar being at the  
23 forefront of technology coming in, is there a project on  
24 the horizon that would force the Planning Board to make  
25 this decision now? I mean I read that there was some three

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2 to five hundred homes that could be fed if this was  
3 approved and installed. I don't see any massive pilgrimage  
4 boom coming to Wurtsboro or Mountain Dale any time soon.  
5 So unless there's a project that's pressing at hand to make  
6 this decision now, let's sit on it. I mean the president  
7 just came out, said he's going to put a 30 percent tariff  
8 on any non U.S. made panels. Unless there's something  
9 that's pressing you to make this decision now, I don't get  
10 the urgency.

11 Thank you for your time.

12 BOARD MEMBER GREEN: Can I just say something?

13 MR. J. BRENNAN: Yes, sir.

14 BOARD MEMBER GREEN: You made a comment about being a  
15 burden on the Board. This is a public hearing. You're not  
16 a burden.

17 MR. J. BRENNAN: Yeah, but I served on some boards.  
18 Sometimes the public can be a burden.

19 CHAIRMAN STAROBIN: Another speaker.

20 MR. J. BUYING: Yeah, last one here.

21 I'm John Buying. I live on Witte Drive.

22 At the town meeting they were talking about the  
23 infrastructure that we have within Mamakating, that the  
24 amount of solar that these people would like to put there,  
25 our infrastructure wouldn't support that.



1 - RE: NORMAN ISAACS -

2 So what I'm looking for you is that you really should  
3 be considering a Positive Declaration on this because of  
4 what's going to happen to the environment. And once the  
5 trees are gone, once everything is gone, the people that  
6 all live down below that, they're going to get flooded out.  
7 I mean there's just gallons of water coming down there.

8 That's it. Thank you.

9 CHAIRMAN STAROBIN: Thank you.

10 Another speaker? And state your name.

11 MS. F. JOLLIE: Francesca Jollie. I live on County  
12 Route 56.

13 Also, my property borders that property and we were  
14 never notified. I've been there 15 years. It's not like I  
15 just moved in. We were never notified of anything.

16 We are going to have a flooding problem where the  
17 water just pours down into our property. There's no drain  
18 off, there's nothing. We sit in water. You cut all those  
19 trees down, we'll be flooded away. You know, it's just  
20 ridiculous.

21 And we should have been notified because we border  
22 right there. That's all I've got to say.

23 CHAIRMAN STAROBIN: Additional speakers? Anybody else  
24 want speak?

25 (No verbal response.)

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2 CHAIRMAN STAROBIN: Okay. Dan Compitello from Cyprus  
3 Creek can answer some of these questions.

4 MR. COMPITELLO: Sure, I'll be happy to.

5 Good evening, everyone. My name is Dan Compitello.  
6 I'm a zoning and outreach manager with Cyprus Creek  
7 Renewables, and it's good to be back Mamakating. Always  
8 good to be in Mamakating.

9 Welcome, Stosh, to the Board. I guess back to the  
10 Board.

11 BOARD MEMBER ZAMONSKY: Yes. I was on sabbatical,  
12 so ...

13 MR. COMPITELLO: Okay. Great.

14 BOARD MEMBER ZAMONSKY: Yes.

15 MR. COMPITELLO: I just wanted to as a quick question.  
16 The last person that spoke, your address again?

17 MS. F. JOLLIE: It's 662 Country Route 56.

18 MR. COMPITELLO: Route 56. Okay. Got it.

19 I'm sorry that you didn't get the notice. I guess  
20 this is the first meeting that you're attending tonight?

21 MS. F. JOLLIE: Excuse me?

22 MR. COMPITELLO: This is the first meeting that you're  
23 attending?

24 MR. UNIDENTIFIED SPEAKER: The workshop.

25 MS. F. JOLLIE: No.

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2 MR. UNIDENTIFIED SPEAKER: The workshop, the last  
3 workshop.

4 MR. COMPITELLO: Okay, you did. Got it. That's good.

5 First, I want to thank everyone here for attending  
6 that workshop. My background in development started as a  
7 community planner, and I've done that for almost 20 years  
8 now. I know how frustrating it can be to sit in at a  
9 meeting like that and not be able to say anything. I just  
10 want to let everybody know that you can feel free to come  
11 up to me afterwards tonight if I haven't answered all the  
12 questions and I can talk to you one-on-one about any of the  
13 details of the project you may have questions about.

14 We did send a letter, in addition to the public  
15 notice, on our own company letterhead with information on  
16 the project. We tried to reach everybody that we had the  
17 address list for from the Town, but I know there were some  
18 that didn't get there. Sometimes the mailman actually  
19 needs a signature to deliver that and if that doesn't get  
20 signed for it can get sent back. We do get notices and we  
21 did submit that to the Town. So again, I apologize if you  
22 didn't get that a few months ago.

23 MS. UNIDENTIFIED SPEAKER: (Inaudible comment.)

24 MR. CAPPELLO: We're going to check on that. There's  
25 no need to spend time. We'll make sure you get the notice.

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2  Let's focus on the application.

3           MR. COMPITELLO:  I think tonight we wanted to give a  
4  bit of an update on the progress of the application and the  
5  submittals that we're preparing right now resulting from  
6  the January 9th workshop.  Too, I definitely want to  
7  address some of the questions that came up tonight from the  
8  public.  Many of them are questions that we've heard a lot.  
9  I think we tried to answer these before.

10           It does raise one question that I want to offer, as  
11  well, too, is the opportunity to be able to host an open  
12  house in the town here specifically around our project.  
13  Oftentimes, the public hearing setting is very difficult to  
14  learn new information, to speak with us one-on-one about  
15  the details of our project.  In towns where we do have a  
16  lot of interest in our projects and a lot of concerns it's  
17  very helpful to not stand with our backs to everybody while  
18  we're talking.  So we would like to offer the opportunity  
19  to host a community meeting in the town.  We think that  
20  would be really good to do in over the next month or two.  
21  Normally, what we do at those, we have about four or five  
22  people from Cyprus Creek attend.  They're all just like me,  
23  a zoning manager.  We know everything about our projects,  
24  and we can really answer questions one-on-one to address  
25  the exact kind of concerns you're hearing about tonight,

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2 most of which, actually, all of which are reflected in our  
3 application materials in some way. We have foreseen or  
4 queried about them in some way and addressed them.

5           So I think Paula and Cecilia, it seems like you'd be  
6 the people to reach out to about that. If you'd like to  
7 talk about that afterwards, about coordinating that.

8           MR. CAPPELLO: Right now this is the public hearing  
9 before the Board on the issues.

10          MS. MEDLEY: We're not interested. Thank you.

11          MR. COMPITELLO: Okay.

12          To start off, kind of the review of these questions  
13 here, I think the first questions were about how many other  
14 -- what are the direct impacts that people bordering the  
15 immediate project there. I did have a chance to read the  
16 letter that was submitted to the Board this week about  
17 stormwater runoff concerns and impacts on the habitat.  
18 Those concerns are addressed in our application right now.  
19 Our Stormwater Pollution Prevention Plan will show that the  
20 stormwater management coming from the site will be managed,  
21 will actually reduce output from the site. We feel that  
22 that is definitely one of the state standards. That is  
23 going through a bit of an update right now given some  
24 changes that we made to the site plan which I'll talk about  
25 after answering these questions. We'll submit that in

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2 February for the complete review of our Stormwater  
3 Pollution Prevention Plan.

4           The impacts on habitat, too, are included in our  
5 December 15th update for application which we've entitled  
6 the Tree Impact Narrative. That includes an ecological  
7 services assessment produced by Michael Fishman who's with  
8 us tonight from Environmental Resource Management, our  
9 consultant, our environmental consultant, which shows that  
10 the inclusion of bringing meadow habitat into the site,  
11 transitioning it from a forest habitat to a meadow habitat,  
12 will actually increase the biodiversity in the area and  
13 should not have a negative impact, will actually have a  
14 more positive impact on wildlife in the area. That's a  
15 pretty detailed statement that was submitted in December  
16 and was a discussion point at the January 9th meeting. We  
17 definitely get more in depth in that tonight, too.

18           I think there are other concerns, too, about  
19 comparative solar projects in the state. What we're seeing  
20 now, right now there's about 220 solar farms across the  
21 State of New York. Only about five of those are community  
22 solar projects, meaning that actual residents and small  
23 business owners can subscribe to that power and receive it.  
24 The rest of those are commercial industrial projects that  
25 are designed by colleges or large businesses. They own

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2 those systems and they get the power from them.

3           Community solar in New York is very new. We've had 15  
4 projects approved in 2017. We'll probably have about half  
5 of those built by June of this year and that will represent  
6 maybe about half of the community solar projects statewide.  
7 So it's a relatively new way of accessing power. It's not  
8 necessarily that new of a land use topology in the state.

9           I think in terms of the cost savings, it does depend  
10 on what type of market, what type of utility you're in,  
11 what type of fee. A lot of utilities have different rates  
12 ranging from about 22 cents kilowatt hour on Long Island  
13 going up to over 30 cents per kilowatt in the city. The  
14 low is about nine cents kilowatt hour in gas and electric  
15 in upstate New York. So while there's a range of prices  
16 that utilities set, solar developers have to provide that  
17 power at a fixed rate for 20 years to people who subscribe  
18 to get that energy from the solar farm. Here in Orange and  
19 Rockland we're projecting at least a ten percent reduction  
20 under that kilowatt hour rate at a fixed rate for however  
21 long someone subscribes to that solar energy system.  
22 There's no upfront cost in accessing this power. You  
23 literally just subscribe to it as you would cable  
24 television or your cell phone.

25           There was a comment about looking for areas that are

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2 already cleared. This is something we've been providing a  
3 lot of information to both the Planning Board and the Town  
4 Board here in Mamakating. We did provide a land use  
5 analysis to the Town Board over the past few months, which  
6 was recently updated this month, which shows that there are  
7 no sites in the town that are currently cleared that would  
8 be able to connect into the utility grid. That was one of  
9 the reasons why we were not able to find land that was  
10 already cleared in the town. We did look for a number of  
11 years. We identified three of those sites and we've scored  
12 them. We found, in talking to the Utility, that they just  
13 couldn't connect into the utility grid. The power lines  
14 and substations that they run to just don't have the  
15 capacity to accept that, the amount of power that will come  
16 out of the solar farm.

17                   Mamakating is anywhere from 83 percent to 98 percent  
18 forested, meaning that most of the land here, you will  
19 encounter instances where you have to clear land to provide  
20 the unshaded space for a solar farm to function. That's  
21 defined in the Town Zoning Law as the solar access space.  
22 It's literally just the angle that the sunlight falls on  
23 the solar panels and produces power from the solar panels.  
24 Shading on that reduces or makes the panels just not  
25 effective. So we have tried to find land that's cleared in

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2 the town and we've not be able to. Out of the three  
3 projects that we do have in the town, we do understand that  
4 these impacts are necessary for it. We all understand the  
5 impacts it will have, but we do think that the benefit of  
6 the solar outweigh those, the loss of the trees, which is  
7 only temporary. These solar systems have a life expectancy  
8 about 35 to 40 years after which they're decommissioned.  
9 And just as Mamakating was once fully cleared when the D  
10 and H Canal ran through here, we see today that that forest  
11 has come back. There's nothing to say that that would not  
12 happen again. A land, if left, a lot of trees come back.

13           I want to kind of go through some other questions  
14 here. I think I've covered a lot of these questions that  
15 were raised tonight.

16           There was one comment about the new tariff that was  
17 just placed on solar panels last night by the United  
18 States. That sets a tariff of 30 percent on panels  
19 imported into the country. This will not affect our  
20 projects. We are very comfortable knowing that we can  
21 develop what we plan, what we know that we have in our  
22 pipeline right now across the country in all 32 states. We  
23 feel that we have been aware of that for as long as it's  
24 been an issue. We planned and more than prepared for it.  
25 As a utility, that's that something we do. It could

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2 definitely affect this project in some ways being able to  
3 move forward down the line in terms of the feasibility of  
4 the actual project. I'm sorry. It could be interpreted  
5 that it could affect the feasibility of the project down  
6 the line. I'm here to say that's not the case. We are  
7 definitely moving forward with solar in the United States.

8           It also will not have an impact on the price of power,  
9 as well. That is something that, even with, if that 30  
10 percent was factored into the cost of the power, it's  
11 something that we're required to offer. We're required to  
12 offer the rates we do through the structure that the State  
13 has so it shouldn't have an impact on that.

14           I'm trying to see if there are other concerns here.

15           I think kind of going back to the concerns around  
16 stormwater runoff, that will actually be part of the  
17 application update that I wanted to give tonight of the  
18 project that's come out of the discussion we had on January  
19 9th.

20           Did I cover everything? I just wonder if I didn't  
21 leave anything out there, anything that I might have  
22 missed. Any other big questions that I didn't cover or ...

23           MR. UNIDENTIFIED SPEAKER: Are the panels made in the  
24 U.S.A.?

25           MR. COMPITELLO: Some of them are and some of them are

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2 not. It depends on --

3             MR. UNIDENTIFIED SPEAKER: Are they New York?

4             MR. COMPITELLO: I don't know. We do have a good  
5 amount in the US right now.

6             CHAIRMAN STAROBIN: I thought you said they're coming  
7 from Malaysia.

8             MR. COMPITELLO: Some of them do. Some are U.S.,  
9 Canadian. They come from a lot of different countries  
10 around the world.

11            MR. CAPPELLO: The Town of Mamakating has no laws  
12 regarding where the panels come from.

13            CHAIRMAN STAROBIN: Yes, I know.

14            MR. CAPPELLO: If we want to have a conversation after  
15 the meeting. Keep on point to what the environmental  
16 impacts and what the impacts of this development are with  
17 the site plan.

18            MR. COMPITELLO: Okay.

19            BOARD MEMBER COLLIER: Dan, do you have a study done,  
20 you said other similar solar projects have improved habitat  
21 from projects that have been placed? Do you have a study  
22 showing that, done that, before and after?

23            MR. COMPITELLO: In the northeast we don't. Not  
24 fully, I think, to the extent that you're referring to.

25            BOARD MEMBER COLLIER: Similar habitat to this?

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2  There's comparison, that what you're saying?

3           MR. COMPITELLO:  Yes.

4           Michael, do you want to speak to that?

5           MR. FISHMAN:  We did a literature review which is  
6  typically what's done in a case like this.  There are  
7  reviews very large solar projects, hundreds of acres, that  
8  are generally, many of them are in southern California and  
9  other areas like that.  They're not comparable to this  
10  area.  There is the no literature on small solar projects  
11  because this a fairly new type of development for solar.  
12  There was, in fact, a study done in Europe of more than 400  
13  published papers that indicated that there is no useful  
14  literature, reviewing this, to provide a study.

15           However, we have the experience of working on other  
16  types of development.  Solar is not necessarily a unique  
17  type of development that requires clearing and then  
18  restoration of habitat.  I've worked on hundreds of  
19  projects in the northeast where we've done habitat  
20  restoration and they have been successful.  You know, you  
21  have to clear a forest and recreate habitat.  You can't  
22  recreate forest in a person's lifetime, a mature forest.  
23  It's takes almost a century to get a mature a forest to  
24  reestablish.  You can't reestablish that in a person's  
25  lifetime.  What's your alternative?  Well, you have to

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2 establish a different type of habitat, sometimes in a  
3 different amount or a different area, that provides similar  
4 functional value or maybe enhances function of value.  
5 That's what we proposed to do.

6           BOARD MEMBER COLLIER: Could you give a specific or an  
7 specific example of something, even if it's not a solar  
8 project?

9           MR. FISHMAN: Let's see. A solar project, I don't  
10 have a specific example.

11           BOARD MEMBER COLLIER: Yes.

12           MR. FISHMAN: I have examples of other industrial  
13 projects, a chemical facility, a very large area. We're  
14 putting in a distribution center, clear a large area of  
15 forest which is in Massachusetts; did a what was  
16 effectively a wildflower meadow restoration behind the  
17 facility after it had been cleared around some of the, what  
18 was underground infrastructure, and it's developed very  
19 nicely. In fact, a number of the employees have turned it  
20 into a butterfly watching area, a butterfly and bird  
21 watching area.

22           It's not difficult to establish, especially early  
23 successional habitats like we're proposing, because of  
24 they're the fast growing. You know, we looked at a  
25 monitoring plan that goes for two years. In that period of

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2 time, if there any difficulties, we have time to amend and  
3 correct for any possible difficulties, although in my  
4 experience with doing monitoring like that, difficulties  
5 are pretty rare. When you prepare the soil appropriately,  
6 which is proposed, then seed the area and mulch it with to  
7 hold moisture in the soil the area pretty well takes care  
8 of itself. And then it's going to be monitored and  
9 maintained for two years to make sure it does. I have 30  
10 years of experience working in this field. This is not  
11 rocket science by any stretch of the imagination, and it is  
12 done commonly and succeeds regularly.

13             CHAIRMAN STAROBIN: Just a question. You know, the  
14 only pictures that we have seen of anything you guys have  
15 done was from one of your brochures, and we hear about the  
16 restoration and we hear about the projects. But one of the  
17 problems is we have to visualize, in our mind, what it is  
18 and you're leaving it to us to make the association with  
19 what you're doing. I think it would be great if you could  
20 show us some of these restorations that you've done on  
21 site. I mean we have nothing to go by.

22             MR. COMPITELLO: Yeah. We can. We actually did.  
23 Mort, on the first public hearing which you missed back in  
24 November, we did. I showed a video up here of one of our  
25 solar farms while it was under construction and after it

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2 was completed. That solar farm actually has sheep that  
3 pasture on that, that solar farm. And it's classified as a  
4 pollinator friendly site, meaning that we have areas on  
5 that with pollinate plants that support the agriculture  
6 around that solar farm.

7 CHAIRMAN STAROBIN: Have any of these people in the  
8 back there seen it who live in the area? Have you seen  
9 these pictures?

10 MS. UNIDENTIFIED SPEAKER: The picture in November the  
11 one you're talking where it looked like sheep was implanted  
12 in the picture? I mean, like, he got over the fence or  
13 through the fence and he was, like, next to the solar  
14 panels? Is that what you're talking about?

15 MR. COMPITELLO: No. It was an actual video and we  
16 have sheep --

17 MS. UNIDENTIFIED SPEAKER: I was here in November and  
18 I don't recall that.

19 MS. UNIDENTIFIED SPEAKER 2: Well, I actually asked  
20 about that because it seemed odd to me that there's  
21 apparently six to eight foot fences, how did sheep get over  
22 it.

23 MS. UNIDENTIFIED SPEAKER: That's what I'm saying.

24 MS. UNIDENTIFIED SPEAKER 2: So are we saying that  
25 you allow farming to take place?

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2 MR. COMPITELLO: Yes.

3 MS. UNIDENTIFIED SPEAKER 2: Actual farming to take  
4 place, that you have openings for sheep to come in and eat  
5 the grass.

6 CHAIRMAN STAROBIN: Address the Board.

7 MR. CAPPELLO: Sure.

8 CHAIRMAN STAROBIN: Okay?

9 MR. COMPITELLO: Yes. On that specific solar farm the  
10 sheep actually live in the solar farm. The farmer keeps  
11 them there and they actually help mow the grass throughout  
12 the year.

13 We just build a system for National Geographic which  
14 we turned on, I think November of last year, which is  
15 powering 85 percent of National Geographic's energy needs  
16 for their headquarters and printing presses. That is a  
17 pollinator friendly site.

18 We do actually have some features designed within our  
19 site which we can't actually get this designation in New  
20 York State yet because it's not an official classification,  
21 but we're working on it this year, where the landscape  
22 buffer that Michael and ERN designed will be flowering  
23 shrubs that will help soften the edge of the trees into the  
24 meadow, essentially. those flowering plants actually were  
25 selected intentionally because they are shrubs that can be

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2 used in a pollinator friendly classification.

3           CHAIRMAN STAROBIN: Do you have a question back there?  
4 Address the Board.

5           MS. M. DEDRICK: I did. I did have one question. So  
6 I just --

7           MS. PLATT: State your name first, please.

8           MS. M. DEDRICK: It's Michele Dedrick.

9           I just have one question. If the Board --

10          MR. CAPPELLO: Wait, wait. We have a record here so  
11 if you want your questions responded to and you want us to  
12 consider it, you've got to come up, you've got to state  
13 your name because she's keeping a record. Then we can look  
14 at that record and we can make sure your comments are  
15 there. If there's speaking back and forth and she doesn't  
16 get it in the record, next month --

17          MR. UNIDENTIFIED SPEAKER: Do you want her to that now  
18 or wait until he's finished?

19          MR. CAPPELLO: If you have a comment or you want to  
20 speak, just make sure she can hear and that she knows.

21          MR. UNIDENTIFIED SPEAKER: That's fine.

22          MS. M. DEDRICK: I'm loud.

23          I just have one question.

24          STENOGRAPHER: What's your name?

25          MS. M. DEDRICK: It's Michele Dedrick.

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2 I had one question and maybe I need some clarification  
3 and this, I'm sure some of the people on the Board probably  
4 are thinking the same question. So this meadow that we're  
5 talking about that's supposed to incur the habitat, that's  
6 behind the seven and a half foot tall razor wire topped  
7 fence; correct?

8 MR. UNIDENTIFIED SPEAKER: It's behind the fence, yes.

9 MR. COMPITELLO: It's not a razor wire.

10 MR. CAPPELLO: You've got to keep the record.

11 MS. M. DEDRICK: That's my question. It's behind this  
12 fenced-in area.

13 And then I had one other question about safety and  
14 security because this is a power plant. It's a solar farm,  
15 whatever you want to call it, but it is essentially a power  
16 plant and there are some pretty significant risks  
17 associated with power plants and terrorism, and the federal  
18 government has several regulations and this falls under  
19 federal regulation, I believe, for a power plant, correct,  
20 and how it's monitored, watched, et cetera? Is that  
21 correct? I don't know, but I'm asking.

22 MR. COMPITELLO: Yes.

23 MS. M. DEDRICK: If the Board can answer that.

24 What types of protections are going to be in place and  
25 how are they going to affect that fence line and any area

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2 around it, as well. Essentially, like my property and any  
3 of the property that directly abuts up against your fence  
4 line around the property.

5           MR. COMPITELLO: Definitely.

6           I think to start, I'll kind of start from the top  
7 there. The fence line is actually proposed to be, at a  
8 minimum, I think of about 238 feet from any parcel, any  
9 bordering parcel or any neighboring parcel there, and as  
10 far away as, I believe about 1100 feet. So it won't be  
11 bordering any parcel line that's there. And the trees from  
12 the fence line to a parcel line will also be existing  
13 there. We won't be removing any trees outside of the  
14 fenced-in area.

15           The question about the type of fence, it is a seven  
16 foot tall fence. We've designed it to be a wildlife  
17 friendly fence, meaning it has openings at certain periods  
18 along the fence so that ground animals can enter in through  
19 the site just as they normally do now. It will prevent  
20 things like bear from getting into the site or deer from  
21 getting into the site. We definitely don't want our  
22 workers being out there trapped in the fence with bears.  
23 And also, deer can damage the panels by jumping on them.  
24 Not to say that seven feet will keep them out. They will  
25 definitely get in and out. But we also need to have that

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2 seven foot tall fence because it's a National Electrical  
3 Code requirement.

4           Getting to that, the national kind of standard for a  
5 solar farm like this, it is considered an electrical  
6 generating facility under the National Electric Code and  
7 the Federal Energy Regulatory Commission.  It is not  
8 necessarily a very high kind of producing site, though.  
9 There's no more energy that comes out of this site than  
10 what's already running down the lines on Mount Vernon Road.  
11 In fact, there couldn't be more energy, otherwise, we  
12 couldn't build it because we can only connect into a line  
13 that already has the amount of energy running through it  
14 that the solar farm can produce.

15           The location of it is not really considered that big  
16 of a national security issue under the Federal Energy  
17 Regulatory Commission.  It's definitely something that we  
18 do monitor 24 days, real time, in two backup control rooms.  
19 You can tell if a leaf has fallen on a panel and is shading  
20 it.  You can differentiate if that is someone getting in  
21 there and messing with the panel, and we'll know in  
22 5/100ths of a millisecond, and both us, the utility, will  
23 know immediately and can decide what to do from there.  But  
24 we don't think that these things are really known about and  
25 you also won't see from the road.  The only visual vantage

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2 point to Sugar Gum and Dunntown Solar will be from an  
3 airplane or a helicopter. There are no public views in or  
4 out of the site. So we really want to build, we really  
5 will be just kind of providing that after a while.

6           CHAIRMAN STAROBIN: A question. What is your response  
7 time for an intrusion or a problem up there and who  
8 responds to it?

9           MR. COMPITELLO: We do, and the utility can, as well.  
10 We've never really had to kind of respond to a site before.  
11 We did have, one year, a lightening strike hit the panels.  
12 They have the same chance of getting hit by lightening as  
13 anything else in nature. We knew it was a lightening  
14 strike immediately because of what we saw on the data and  
15 we had somebody go out and just replace the panel.

16           BOARD MEMBER GREEN: Who is the somebody?

17           MR. COMPITELLO: What's that?

18           BOARD MEMBER GREEN: Who is the somebody that goes out  
19 there?

20           MR. COMPITELLO: That's --

21           BOARD MEMBER GREEN: If a lighten struck and hit this  
22 and I can see, where is it being monitored from that you  
23 can send people and who's getting sent?

24           MR. COMPITELLO: That's our operations and maintenance  
25 team. Their goal is to make sure that the systems produce

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2 at the highest efficiency that they can. So we have teams  
3 all across the country that do this.

4           BOARD MEMBER GREEN: Well, where is the one that will  
5 be coming to this?

6           MR. COMPITELLO: I don't know yet. I don't know yet,  
7 until we build a few more of these in the state. We  
8 definitely have people on the ground right now that can do  
9 that kind of work. I don't know where they are in the  
10 state right now, but they're probably close to Watertown,  
11 which is where our first solar farm is being turned on,  
12 actually, I think later this week.

13           MR. CAPPELLO: I think what the Board needs to do in  
14 the deliberation, this discussion back and forth with the  
15 public, whatever questions you have, whatever comments from  
16 the public you think warrant consideration needs to be  
17 included in a written record that you can base a decision  
18 on. That's where you are, what do you have, are you ready  
19 to make a decision one way or another, what do you need  
20 because we need to base a decision on the record so when  
21 someone, be it in the public or be it the Applicant, has a  
22 problem with the decision and says, Where was my comment  
23 addressed, we can: Security was addressed, page such and  
24 such of this record. Here's what they committed to.  
25 Here's what we're requiring. Will a meadow be able to be

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2 replanted? This study here shows either it can, or, Our  
3 consultants reviewed and it can't be established, but  
4 somewhere, so everyone will know that we've considered  
5 these comments, that they're addressed in the record and  
6 are they addressed to your satisfaction. That's where we  
7 are here. You know, where vineyards are, we're getting a  
8 little far afield. We need that all indicated clearly in a  
9 record to make that decision. We have volumes of  
10 information, but the Board is, do you have enough, what do  
11 you need, in what form do you want to see it. I think  
12 that's where we are now for your consideration.

13 CHAIRMAN STAROBIN: What are our choices at this  
14 point?

15 MR. CAPPELLO: As we discussed back in November,  
16 there's three choices. One is to say make another  
17 submission and we'll take a look at it. No. 2 is we're  
18 ready to make a determination now on the information that  
19 we have. No. 3 is we need to formalize the process and do  
20 a Positive Declaration under SEQRA and gather this  
21 information in a coherent manner, in a Draft Environmental  
22 Impact Statement that the Board will review and then  
23 consider acceptance, and then the public have a hearing on  
24 it where the public could comment on that document that  
25 would address the situation. Those are your three options

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2  as I see it.

3           MR. COMPITELLO:  I'm glad you brought this up, John,  
4  too, too because I think in looking at the comment response  
5  letter that we got from Nelson, Pope, Vorhees -- I just  
6  note this is updated Thursday, January 25th.  Is that ...

7           MS. BELTRANI:  I put the wrong date on it.

8           MR. COMPITELLO:  That was supposed to be today?

9           MS. BELTRANI:  That was supposed to be today.

10          MR. COMPITELLO:  Okay.  Easy mistake.

11          We actually received this comment response letter from  
12  Nelson, Pope, Vorhees for our January 9th meeting.  I think  
13  what this is showing now this sort of a little bit of an  
14  update from that discussion.  But the result of this  
15  comment letter is that we actually took back the discussion  
16  from the workshop on the ninth.  We are making some changes  
17  to the site plan.  We're looking at a reconfiguration of  
18  the Dunntown site to show what that actually would look  
19  like because we did show more tree clearing than we  
20  actually would need when we went for a building permit  
21  there.  We are still working that out right now with VHB,  
22  our civil engineer.  It is showing a reduction, but I don't  
23  want to state what that is yet, but we are moving in that  
24  direction, which we plan to submit for the February  
25  meeting.

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2           I think, too, we also have not fully responded to the  
3 comments yet so we haven't provided those to NPV.  There  
4 are a number of things that they're requesting here that  
5 are in notes or things that we have addressed already.  
6 None of them are very big things, but we do think that we  
7 give NVP the time to review that and make sure that they're  
8 satisfactory, that we closed out those comments,  
9 essentially.

10           Then the other is the review of the SWPPP with Larry  
11 Paggi.

12           Larry, just an update on that, I talked with Pat  
13 Mitchell this week and because of that change in the  
14 Dunntown site plan to show the actual amount of tree  
15 clearing we will probably need to update the SWPPP.  He  
16 probably can't get that done for the February 6th submittal  
17 deadline.  We wanted to ask if it would be okay to submit  
18 that to you about a week later and review that.

19           MR. PAGGI:  We'll do our best.

20           I would like to also voice one additional comment that  
21 has come to light since the workshop, and that is the  
22 matter of the amount of material that was being moved.  I  
23 don't know if you recall that.  Pat mentioned it relative  
24 to stump removal.

25           MR. COMPITELLO:  Right.

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2             MR. PAGGI: Adriana actually found on the plan where  
3 it indicates that Dunntown and Sugar Gum have a net  
4 cumulative cut of somewhere close to 60,000 cubic yards and  
5 a net fill, about 12,000, leaving about 48,000 excess  
6 material. I mean one of the things that has always been  
7 your premise is that very little earthwork is being done  
8 for this site and that it's not necessary. I can't wrap my  
9 head around 60,000 cubic yards of moving and 48,000 yards  
10 of export and say that that's not a lot of land  
11 disturbance. I think that impacts into the SWPPP. So if  
12 we can have Pat incorporate volume of material, cut and  
13 fill, and anything being exported. That may also raise  
14 issues if there's export. If there's actually 48,000 cubic  
15 yards of export, what does that translate into truck  
16 traffic during the construction period.

17             MR. COMPITELLO: Okay. So to show some way of  
18 quantifying that.

19             MR. PAGGI: Quantify it, yes; and where is it coming  
20 from.

21             MR. COMPITELLO: Got it.

22             I believe it's all from on site.

23             MR. PAGGI: Okay.

24             MR. COMPITELLO: And that that would be exporting, off  
25 site, material that can't be graded into the site. The

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2  only things that are brought into the site are the  
3  materials and the access road.

4           MR. PAGGI:  And the other item, also, if anybody else  
5  wants to shut me down on this, by all means, but I think I  
6  speak for the consultants and maybe for the Board, in your  
7  responses to us it would be very helpful if you prepare a  
8  response letter that specifically tells us where we can  
9  find --

10          MR. COMPITELLO:  Yeah.

11          MR. PAGGI:  -- the way you're addressing our comment  
12  because right now when we get a package, I mean we've got  
13  to go through and look and see if we can find it.  It might  
14  be in there and we might not be finding it and we're  
15  wasting a lot of time.

16          MR. COMPITELLO:  Right.  Pat said he has indexed it.

17          MR. PAGGI:  Okay.

18          MR. COMPITELLO:  So he basically has the responses  
19  ready and can give you a page number specifically where to  
20  look to, too.

21          MS. PLATT:  If I may, the submission date is February  
22  6th to be on the February meeting.  If the Board decides  
23  otherwise, that they'll accept something coming in after  
24  that date, otherwise, I know our department is getting a  
25  little flustered with late submissions.  That's not just

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2 with you.  Plenty of people have tried to submit things  
3 late.

4           MR. COMPITELLO:  Yes.

5           MS. PLATT:  So if the Board approves that, then we'll  
6 take it a week late.  But otherwise, it'll be on March.

7           MR. COMPITELLO:  Definitely understand.  And March is  
8 certainly okay, too.

9           CHAIRMAN STAROBIN:  Any Board members have any  
10 comments or any suggestions?

11           BOARD MEMBER ZAMONSKY:  Larry, can you clarify the  
12 import, export?  The documentation states he's taking  
13 48,000 yards out and then --

14           MR. PAGGI:  The plans that we just looked at have an  
15 indication of the cut and fill on each property.  Sugar Gum  
16 indicated that it had 33,800 cubic yards of cut and it only  
17 had 1600 cubic yards of fill.

18           BOARD MEMBER ZAMONSKY:  So that's 33 going out and 16  
19 coming in; right?  So --

20           MR. PAGGI:  Well, I don't think it's going out.  I  
21 think what they're saying is there's areas where they're  
22 cutting 33,000 and there's areas where they're probably  
23 taking some of that 33,000 --

24           BOARD MEMBER ZAMONSKY:  Some of it.

25           MR. PAGGI:  -- to fill in the 1600.

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2           BOARD MEMBER ZAMONSKY:  Okay.

3           MR. PAGGI:  If you look at a profile, there's a hole  
4   someplace and there's a mountain someplace.  There's a lot  
5   more mountain coming out than hole to be filled so they've  
6   got to get rid of it off site.

7           BOARD MEMBER ZAMONSKY:  Yep.

8           MR. PAGGI:  So the net difference that I'm coming up  
9   with is somewhere around 48,000 cubic yards.

10          CHAIRMAN STAROBIN:  Joe, I have a question for you.  
11   Just to give us an idea of how much material that is.

12          BOARD MEMBER RUSSEK, III:  That's what we were  
13   discussions down here.  So ...

14          CHAIRMAN STAROBIN:  How much would a dump truck hold?

15          BOARD MEMBER RUSSEK, III:  So you're at 22 or 23 tons  
16   per tri-axle, so like your standard dump trucks that are  
17   out there.  And your cubic yard is roughly is about the of  
18   a ton.  So ...

19          MR. PAGGI:  Then you've to figure your --

20          BOARD MEMBER RUSSEK, III:  That's 2,181 tri-axle dump  
21   trucks of material.

22          MR. COMPITELLO:  I want to --

23          BOARD MEMBER RUSSEK, III:  So either there's something  
24   really far in the numbers --

25          MR. COMPITELLO:  Yeah.

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2           BOARD MEMBER RUSSEK, III: -- and the calculations  
3 which you guys submitted or that is a lot of material that  
4 you're talking about moving.

5           MR. COMPITELLO: It definitely won't be that amount of  
6 material coming off site.

7           BOARD MEMBER RUSSEK, III: But that's been  
8 submitted --

9           MR. COMPITELLO: Right.

10          BOARD MEMBER RUSSEK, III: -- up to this point,  
11 though.

12          MR. COMPITELLO: Yeah.

13          BOARD MEMBER GREEN: Let me add to that. What about  
14 30 acres of trees? How is that getting hauled?

15          BOARD MEMBER RUSSEK, III: So the thing is, I guess  
16 there's always questions, like you're removing 30 acres of  
17 trees. Yes, you could do logging, yes you can do mulching  
18 out of it, or maybe there's other things that could done be  
19 with the material. Then you're moving tree stumps. So 30  
20 acres of tree stumps, again, into tri-axle trucking, even  
21 if you're saying, on the lowest end, that 400 trucks moving  
22 it, like, where is that going to, where is this material  
23 going to, because there's a lot of other issues that have  
24 been addressed within the town with moving material on  
25 properties. I mean this is a lot.

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2 MR. COMPITELLO: Yeah. So a good amount of that is  
3 discussed in the December 15, the tree impact narrative,  
4 about what we do with that material, especially with the  
5 trees, the type of services that we use for that, where  
6 that goes, what the material is used for. A brief summary  
7 of that is basically we work with New York State, and we'll  
8 have to do that, and a certified forester to oversee that  
9 process. The product would go to creating board material,  
10 can go to a mill for creating paper material. It can go to  
11 a waste energy station or facility. All of that is  
12 conducted and coordinated by the our EPC team. The  
13 engineering and construction team would do that.

14 It is definitely a process to get the site ready for  
15 this type of system. It's not something we haven't done  
16 before. We are doing that right now in the state. We do  
17 have a number of about six sites right now.

18 BOARD MEMBER RUSSEK, III: Clear-cutting 30 plus acres  
19 on? You have six other sites in the state that you're  
20 clear-cutting 30 plus acres on.

21 MR. COMPITELLO: These are two sites where we're  
22 clearing about 14 and 15 acres a piece. Those other sites,  
23 I don't believe that we're clearing -- it's unusual to find  
24 a town with 98 percent forested cover.

25 BOARD MEMBER RUSSEK, III: Right.

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2 MR. COMPITELLO: So those other instances are anywhere  
3 from six to about ten acres that we're seeing there.

4 BOARD MEMBER RUSSEK, III: Correct.

5 BOARD MEMBER GREEN: I want to just clarify. So  
6 you're talking just like 2100 truck trips for just the  
7 30 --

8 BOARD MEMBER RUSSEK, III: That's just from the  
9 material that they're saying is in excess.

10 BOARD MEMBER GREEN: -- X number of truck trips  
11 because you're going to be hauling trees.

12 BOARD MEMBER RUSSEK, III: No. That's just in just  
13 using his math -- not his math, I'm sorry -- their math of  
14 how much dirt is being removed from the property.

15 BOARD MEMBER GREEN: That's what I said. On top of  
16 that there are going to be truck trips --

17 BOARD MEMBER RUSSEK, III: And then those trips,  
18 right.

19 MR. COMPITELLO: That's not our math. I don't know --

20 MR. CAPPELLO: This is another area. We're getting  
21 into math on the number of truck trips.

22 BOARD MEMBER RUSSEK, III: Right.

23 MR. CAPPELLO: The question is you have a cut and fill  
24 analysis. This board wants an analysis of the impact.  
25 That's the question. We want it in writing so our engineer

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2     can review it, the Board can review it and know, and then  
3     we'll know how many truck trips will go there to see if  
4     there's any mitigation. We need this in written form in a  
5     record.

6                 So that gets back to the Board's discussion. We have  
7     new information coming in, how do you want to proceed. We  
8     know how the Applicant wants to proceed. How do you want  
9     to get this in a form that we can manage, that we can make  
10    an appropriate decision one way or another.

11                BOARD MEMBER GREEN: I think in looking at the three  
12    choices we've been given, we can keep on doing this, we've  
13    been doing this month after month after month, more  
14    information, doing whatever; we can make a decision  
15    tonight, which I gather the only decision we can make is  
16    that this will be a negative impact on the environment; or  
17    we can make the Positive Declaration that we need a a  
18    formal process at this point. This has been a year. We're  
19    going back and forth. We're at the point we're asking the  
20    same questions, getting the same answers, and new things  
21    have come up. I mean this whole thing with the truck trips  
22    down Mount Vernon Road, we had a camp or something like  
23    that a few months back where they weren't even talking this  
24    number of trips coming down Mount Vernon Road. This will  
25    now be added to it. I would say maybe it's time to just

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2 say let's do a Positive Declaration and just get the formal  
3 thing done.

4 MR. COMPITELLO: I'd like to comment on that, Lorry.  
5 I believe, you know, looking at the comment responses that  
6 we received from Nelson, Pope, Vorhees we feel very  
7 confident we've satisfied almost everything that the Board  
8 has had to review here. Seeking a Positive Declaration now  
9 will force us into a two to four year process, on top of  
10 what we've already done, which would not show any more  
11 information than what we've been able to provide you. The  
12 information that you're asking for here will either be  
13 something that is determined here at zoning approval or as  
14 a condition of our building permit.

15 CHAIRMAN STAROBIN: John --

16 MR. COMPITELLO: These questions that Joseph Russek,  
17 when you calculated that, we can't base that, any decision  
18 on those calculations because that's something you did on  
19 your phone there and it's not something that we've actually  
20 been able to produce to you. It is something we would have  
21 to produce for the building permit, though.

22 MR. CAPPELLO: Well, I don't think for the building  
23 permit.

24 MR. COMPITELLO: I don't think that --

25 MR. CAPPELLO: It has to be for the SEQRA analysis and

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2 we haven't had it for the SEQRA analysis.

3             It's up to the Board on the pos dec. The Applicant  
4 has to make a position. But I would say if an EIS was  
5 prepared using a lot of the information, or a substantial  
6 amount of the information that's before the Board, putting  
7 it in a clear manner, that a two to four year process, it  
8 could be a three to six month process, or potentially  
9 three. I mean the Applicant is still revising its  
10 application. If the package came in and --

11             MR. COMPITELLO: John --

12             MR. CAPPELLO: If the package came --

13             Dan, you've talked about five friggin' hours and I  
14 know your position. I don't want to see talking anymore, I  
15 want to see writing. So put the position in writing, we'll  
16 listen to it. But right I'm addressing the Board. If you  
17 think it's two to four years, you made your position to the  
18 Board and that's fine. You're entitled to that position.  
19 I'm discussing with the Board now.

20             The time frame guide, a Draft Environmental Impact  
21 Statement, you don't have to scope it if we know the issues  
22 that are going to be addressed. We can give the Applicant  
23 directions now that when they submit the new revised plans  
24 they submit it as part of the EIS package. You would  
25 review that EIS package for completeness. If you determine

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2   that it's complete and that you now have all the  
3   information you would do a Resolution of Completeness and  
4   set a public hearing on the Draft Environmental Impact  
5   Statement.  Then notice would go in the paper.  Just so you  
6   know, on a Draft Environmental Impact Statement there isn't  
7   a requirement of notification to the neighbors there.  We  
8   can certainly send those people some notification.  Then it  
9   would be incumbent upon the neighbors to go review that  
10  document, not to come to a public hearing and say, Where  
11  did they address this, or, We want to address this.  If  
12  there's a document there, if there's a report there and  
13  there's a hundred page SWPPP, people should come in having  
14  read that hundred page, or at least the conclusion like I  
15  did, and then still raise whatever concerns they may  
16  believe is not addressed.  Then the Applicant would prepare  
17  a Final Environmental Impact Statement addressing that.  If  
18  the Board thinks that's acceptable, the Board would accept  
19  it.  Now you have the record upon which your decision will  
20  be made and you make a finding.  So that doesn't have to be  
21  a two year.  It could be.  You know, we have the instances  
22  where it is two to four years, but it could be a three to  
23  four month process, as well, if the Applicant provides the  
24  information in that form and he could provide some  
25  substance here.  But they have the right to make their

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2 pitch as to how they want to handle it. You'll listen to  
3 it and you'll direct us on how to you'd like to proceed.

4           MR. PAGGI: John, I have a question. All the public  
5 comment that's coming back in, that's been coming back and  
6 being it put into the public record, that's not the record.  
7 The record we're looking for is for them to take those  
8 comments and write them down and submit --

9           MR. CAPPELLO: Well, the Environmental Impact  
10 Statement process will include a required public hearing.  
11 What we can say, we've already had these comments, we want  
12 you to address them. Hopefully, they'll be addressed in  
13 the Draft Environmental Impact Statement. But then the  
14 public will comment on the Environmental Impact Statement  
15 itself. Then the Final Environmental Impact Statement,  
16 unless we determine all the impacts have been addressed in  
17 the draft, then a final impact statement will be prepared  
18 addressing each and every one of those comments from the  
19 public, the remaining comments of the consultants, the  
20 Board and any involved agencies, and that would be your  
21 Final Environmental Impact Statement. Once that's accepted  
22 the Board now says: Here is the record for everybody in  
23 the world upon which we are basing our decisions on this  
24 matter, be it up, be it down, be it one of the  
25 alternatives. Then you have a cohesive record. That's the

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2  benefits of the Draft Environmental Impact Statement.  If  
3  the Applicant has concerns, I reiterate, they're more than  
4  welcome to try to convince you.  If they convince you to  
5  continue on, we'll continue on.  The Environmental Impact  
6  Statement does bring some formality to the process.  There  
7  are some time frames that are in SEQRA that it would be  
8  upon the Applicant to respond appropriately and upon the  
9  Board to review it in a timely fashion and upon the public  
10 to thoroughly review it, to make intelligent comments.  
11 That's the purpose of the process.  It does sometimes get  
12 out of hand and take forever.  I've been there, I  
13 understand that.  But it doesn't have to.

14           CHAIRMAN STAROBIN:  I actually think it might speed up  
15 the project.  And the reason for that, going over all the  
16 information from the Board and how disjointed it is and how  
17 it's changed over the period of time has made it difficult  
18 to follow and I think this will act almost like a funnel,  
19 put everything in one place.  As John said, there's a lot  
20 of things that you've already done that can be included in  
21 it.  If we can get this done between three and six months I  
22 think that would be fantastic because we certainly -- I  
23 know more about solar than I ever thought I'd know.

24           MR. COMPITELLO:  Well, I think that that's good.

25           My first response to that is at a minimum, this

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2 process will take 224 business days.

3           CHAIRMAN STAROBIN: Why is that?

4           MR. COMPITELLO: Because of the procedural steps that  
5 have to be followed under the process. So a minimum of  
6 three to six months.

7           CHAIRMAN STAROBIN: That's your process, you're  
8 saying.

9           MR. COMPITELLO: Of the actual EIS process. That's my  
10 understanding of it. There is a minimum but no maximum of  
11 how long take it could take, although there is a ceiling to  
12 how long it can take.

13           My other response to this is that, going back to when  
14 this was first proposed, is that there is no community  
15 solar project in the state that will undergo that process.  
16 That hasn't changed, especially given this area. That was  
17 something that we were fairly clear about. We have also  
18 been very clear about the financial obligations that we are  
19 fully committed to at this point, and we cannot recede  
20 back, that we, I think provided information to the Town  
21 Board on what it would actually look like if the solar law  
22 were amended to disallow our projects. That is something  
23 that we knew going in was the risk, but we felt that  
24 offering these projects as community solar, the benefit  
25 that weighed its production and tree clearing.

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2             I think that looking at NVP's comment responses, most  
3 of these comments have been satisfied here. I think the  
4 remaining concerns here, the remaining questions, are  
5 things that we are already addressing in our site plan  
6 review right now where we are going to show you how much we  
7 can actually reduce the tree clearing.

8             The discussions we'll have with Larry about the SWPPP,  
9 that seems to be coming together. Larry and Pat talked  
10 just before the workshop on the ninth and everything really  
11 is in the SWPPP, we just need to index and show where it is  
12 and update the SWPPP, accordingly, to that reduction in  
13 tree clearing there.

14            No matter what you do in this town you're going to  
15 need to clear trees to get solar here. There's no way  
16 around it. We've shown you an analysis. Your own town  
17 planners have verified that analysis. There are no  
18 alternative sites.

19            CHAIRMAN STAROBIN: Dan, it seems every time we solve  
20 one problem another problem arises. By going through a pos  
21 dec I think we'll reduce that possibility. As John pointed  
22 out, this is final. All the information is put in one  
23 place, it's a funnel, we have everything here, the  
24 decisions are made and we go or don't go.

25            MR. COMPITELLO: I think, Tom, do you want go through

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2 the process of what that would look like here?

3           MR. PUCHNER: Sure. I would like to start one step  
4 back from that. Okay?

5           We have a number of comments. Almost every comment  
6 that you have is something that has been addressed before.  
7 What's really important, and I think what we're talking  
8 about is the process and collection of information. We  
9 have one new issue that was raised in a different manner  
10 during the workshop meeting, it's already been addressed,  
11 and further thinking about it, which is part of this back  
12 and forth process, developed some more detailed questions  
13 which is what this process is supposed to be doing. So I  
14 think we just need to keep in perspective what we're  
15 talking about here. All of the concerns have been  
16 addressed.

17           You have planner memos saying that the ecosystem  
18 mitigations that we have are the best that you're going to  
19 get.

20           BOARD MEMBER GREEN: But let me stop you there.  
21 They're the best we're going to get. That hasn't fixed  
22 what you're doing to our community. I understand you're  
23 going to be doing something to our community, you're going  
24 to be mitigating it. Well, we want all we've got. To tell  
25 us, well, we're doing to do this, we're going to do this

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2 and this is the best you're going to get, I don't find that  
3 very convincing.

4           MR. PUCHNER: I understand. I understand your point.

5           CHAIRMAN STAROBIN: John, I have a question for you.  
6 In all my years in Planning, which is about ten years now,  
7 I've never heard that 224 days.

8           MR. CAPPELLO: Yes. I'm not sure where that -- the  
9 time frames I'm aware of is how long it takes the applicant  
10 to prepare the EIS. Then once it's submitted, the Board  
11 could review it and accept it as complete in 30 days, they  
12 could accept it as complete in 3,030 days, depending on the  
13 quality of the EIS. But there is no specific time frame  
14 that says you have to review it a certain amount. You  
15 determine it's complete when you feel it's complete. So if  
16 it's a comprehensive, well-prepared document it could be  
17 accepted within 30 days. The specific time frame, once  
18 it's accepted, for a public hearing are 14 days public  
19 hearing notice, and I believe it's at least a 30 day  
20 comment period, and then ten days after the close of the  
21 public hearing, a minimum, to allow for written comment.  
22 So that is a 30 to 45, max 60 day period once it's accepted  
23 as completed to get the hearing and get all the comments.  
24 Then once again, it's in the applicant's ballpark as to how  
25 long it will take to prepare the responses. Then once the

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2 responses are prepared, you review it.

3           Now, I think what Dan might be referring to, there are  
4 time frames in there that you're required to review it  
5 within a certain time. It doesn't mean you can't go  
6 quicker. And frankly, to be honest with you, there have  
7 been many times planning boards go a lot longer than the  
8 process. Those time frames are kind of in SEQRA, but I've  
9 never seen a case that's takes too long. I mean all the  
10 Court would do is direct. So those are directed time  
11 frames. If you took the max, then does all of those time  
12 frames may add up to 224 days? I believe so. But it  
13 doesn't have to. So once again --

14           MR. PUCHNER: So early on -- I'm sorry.

15           MR. CAPPELLO: No. I said you can make your pitch,  
16 but I don't think it has to be 224 days if a lot of the  
17 material is prepared, if the scope is agreed upon pretty  
18 quickly. There doesn't even have to be scoping. I think  
19 everybody knows here what the issues are. It's not like --  
20 I was going to say it's not like you have to do anything on  
21 traffic, but apparently, there should be a little analysis  
22 just on the construction traffic. But that's not the  
23 formal usual traffic analysis that should take.

24           So the substantive information you're requesting would  
25 likely be no more than you're requesting now. We do have

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2 an amended plan coming in so we're going to have to review  
3 that amended plan and then have information. I don't know  
4 how much time would be saved by not doing a pos dec, but  
5 they're certainly entitled to try to convince you of their  
6 position. One wouldn't say you have to pos dec. I mean I  
7 wish I could tell you you have to do this or you have to do  
8 that, but here's the pros of that. We discuss the pros of  
9 the DEIS, they will discuss the pros of the other one, and  
10 you make a determination.

11           CHAIRMAN STAROBIN: Well, I'd like to say we will try  
12 to move as fast as you can move on this. You know, the  
13 idea isn't to drag it out, just to get it done. So it's in  
14 your ballpark, the time line.

15           MR. PUCHNER: So earlier, we've been talking about  
16 process issues and the information. That's one reason.

17           The other reason we had talked about is alternatives.  
18 Dan has gone back to the drawing board. They're working on  
19 a new plan that will reduce Dunntown. So again, it's a  
20 piece of information you're going to have that you don't  
21 actually get outside of the EIS process, but we're trying  
22 to work with you to get these concerns of the Town and the  
23 Board addressed.

24           CHAIRMAN STAROBIN: Well, you also, in the past,  
25 addressed mitigation and how it would help the town and

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2   that should be part of it, too. It should be a firm type  
3   of situation. I just want to make sure that we are  
4   finished with this, you've been taken care of in an  
5   expedited manner, that the issue of the public here is  
6   taken care of so that when we're done with this everybody's  
7   on board, or just about everybody's on board, if that's the  
8   case.

9           MR. COMPITELLO: We feel that the -- sorry.

10          CHAIRMAN STAROBIN: Right now not everybody's on  
11   board. There's just too many loose ends to this. We want  
12   to bring it into one packet that we can evaluate.

13          MR. COMPITELLO: Right.

14          What we're saying is that you have that right now.  
15   What we're showing with the updated site plan update is --

16          CHAIRMAN STAROBIN: We don't feel we have --

17          BOARD MEMBER RUSSEK, III: But you're saying we have  
18   that. That's like the worse thing. That is completely  
19   different.

20          At this point, I mean, John, do we have -- are we just  
21   going to go back and forth?

22          MR. COMPITELLO: We're not going to --

23          BOARD MEMBER RUSSEK, III: Is it time to make a vote  
24   for determination over which one we're going to be doing?

25          MR. COMPITELLO: No, I'm sorry. But what I'm saying,

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2 I'm not just saying that either. Nelson, Pope, Vorhees is  
3 saying if you look in their comment response letter.

4 MS. BELTRANI: So Dan, in response to that, we comment  
5 on what we're able to read, the fact that this cut and fill  
6 thing just came to our attention. We have so much  
7 information and it's all over the place. I looked at  
8 several different iterations of this report the other day  
9 and some of the numbers are back and forth several times.  
10 So yes, you answered the issues within our memo, but  
11 Nelson, Pope and Vorhees are not the only consultant here.  
12 Larry has a lot of unresolved issues, the Planning Board  
13 has a lot of unresolved issues. So it's not just  
14 environmental planning that's the issue right here.

15 MR. COMPITELLO: Correct.

16 MS. BELTRANI: And the public is also not convinced,  
17 and I think that's because of the package that's been  
18 presented. So we're not asking you to necessarily change  
19 what's in the package, we're just asking you to change the  
20 package.

21 MR. PAGGI: I'm asking you to change what's in the  
22 package.

23 MR. COMPITELLO: I think looking through this, though,  
24 all the comments have been satisfied right now. It's very  
25 clear where we have satisfied these comments and where we

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2 have not. What is still remaining: A completed or updated  
3 SWPPP; the location of the constructed wetland through the  
4 planting; construction and maintenance plans. Those are  
5 both things that the building permit is contingent on. We  
6 most often see those as conditions of approval in our site  
7 plan review and special use permit approvals because they  
8 are things that must be finalized before the building  
9 permit will be issued.

10           The updated site plan, including subdivision  
11 calculations and the corresponding soils map, that is also  
12 part of that site plan update there. And then alternative  
13 site and layouts, what we are looking at is we have located  
14 any alternative that we can possibly find on these sites.  
15 Furthermore, we've looked at every other site in the town.  
16 We reviewed every parcel in the town for the Town Board.  
17 We found these are the only three sites in the Town right  
18 now.

19           Given the tariff, I don't think there are any other  
20 projects that Sullivan County is going to see in the next  
21 ten years. We're able to do this. I do know right now the  
22 industry is looking not that great.

23           So those are the four things that I see that are  
24 remaining here, and we're doing those things. We're going  
25 to submit them on February 6th.

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2           What I would say is if you're not convinced in  
3 February and you still feel this way, then you can move in  
4 that direction. But we already have things in motion. We  
5 have a lot of things in motion, already, that I feel are  
6 going to completely satisfy this.

7           I will say this again, that I don't think they will  
8 send me back here to keep representing this application if  
9 it's going through an Environmental Impact Statement. If  
10 we have to walk away from these projects they may be the  
11 only projects, solar energy systems, that Mamakating can  
12 see.

13           CHAIRMAN STAROBIN: Well ...

14           BOARD MEMBER GREEN: Oh, well.

15           CHAIRMAN STAROBIN: Just about everybody in this room  
16 is for solar. Okay?

17           MR. COMPITELLO: Everyone has said that.

18           CHAIRMAN STAROBIN: Yes.

19           MR. COMPITELLO: I agree with you on that.

20           CHAIRMAN STAROBIN: Yes.

21           MR. COMPITELLO: Yeah.

22           BOARD MEMBER GREEN: I would say what they're not for  
23 is cutting down 30 acres of trees. Of all the mitigation I  
24 haven't heard where are we replacing these 30 acres of  
25 trees. Where are we mitigating to removing the damage.

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2 MR. COMPITELLO: Yeah.

3 BOARD MEMBER GREEN: I've heard what the benefits are.  
4 I'm going to save a dollar and a half on my electric bill  
5 every month. I'm thrilled with that. That, to me, is  
6 mitigation. Adriana, in one of the notes before that  
7 January 9th workshop, talked about off-site mitigations.  
8 To me, if there was an off-site mitigation as part of your  
9 the mitigation plan that would go a long way, I think,  
10 towards alleviating some of the concerns of the community.

11 MR. COMPITELLO: That is also something that is coming  
12 together, too. We have some starting points for that that  
13 we're exploring right now. That will be part of that, a  
14 small part of that update we provide on the sixth as part  
15 of what we do on site and things we can explore on site.

16 To give you an update on that, we are looking at  
17 potential things that we can support within the town in  
18 terms of open space and parkland that the Town has where we  
19 could look for off-site mitigation. Right now we're very  
20 constrained on our site right now, where the only cleared  
21 areas are exposed outcrops which is may be bedrock. So  
22 there's not a lot we can do in terms of on-site mitigation.  
23 We are actively working and speaking with the Town Board  
24 now about what we can do with off-site mitigations.

25 CHAIRMAN STAROBIN: Okay. Dan, but if we pos dec this

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2 I don't think it's going to affect your timeline. We're  
3 willing to work as fast as you're willing to go. I think  
4 it wraps everything up, as I said, in a package on your  
5 side and also it's wraps it up for us, too. This is it.  
6 This is it. It's not going to keep on going. I mean  
7 you'll drive all of us crazy at this point.

8             BOARD MEMBER ZAMONSKY: I was able to find another  
9 DEIS for a solar farm in New York, as well, so there's some  
10 other townships.

11            MR. PUCHNER: Is that on Long Island?

12            BOARD MEMBER ZAMONSKY: Yes.

13            MR. PUCHNER: Yes. That's the only one out of the 20  
14 megawatt.

15            MR. COMPITELLO: We found that, as well. That is a 20  
16 megawatt. It's roughly 22 times the size of this project  
17 in a very highly residential area in a floodplain, close  
18 to, in Long Island.

19            The end result of that EIS was essentially the three  
20 conditions of approval, to clear no more trees than were  
21 required, that they would have to show proof of having a  
22 power purchase agreement and that they were committed to  
23 developing the project. Those three conditions were the  
24 end results of the three year long Environmental Impact  
25 Statement which Stosh has found. In fact, I think it was

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2 more than three years. I think it was, including the  
3 zoning process, about close to four.

4             BOARD MEMBER ZAMONSKY: Was there ever a PILOT program  
5 set up for the taxes?

6             MR. CAPPELLO: That's something the Town Board would  
7 have. The Town Board did notify the Applicant that they  
8 would require a PILOT. The Applicant will have to address  
9 it. The basis for the PILOT will be addressed within a pos  
10 dec or within the submission, but the final determination  
11 on the adequacy of the amount will be the Town Board. It's  
12 a Town Board issue.

13            BOARD MEMBER ZAMONSKY: Right. I didn't know if that  
14 had been settled.

15            MR. CAPPELLO: The only thing I'm aware of, I don't  
16 know if there's been any discussions on the amount. I know  
17 that the Town has advised the Applicant that it will  
18 require a PILOT. I don't know how far the discussions have  
19 gotten about the actual amount of the PILOT.

20            BOARD MEMBER ZAMONSKY: Okay.

21            CHAIRMAN STAROBIN: So do we take vote at this point?

22            MR. CAPPELLO: Well, the Board can consider what you  
23 heard, ask us any questions. I guess if you're heard what  
24 you want to hear from the Applicant and the public, I would  
25 adjourn public hearing, depending on what the decision you

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2     make. Then we can discuss the pros and cons and see how  
3     you want to proceed in this matter. If not, look at the  
4     Applicant's concerns. I can't speak for the Applicant or  
5     the constraints on whether they'll be back. That's  
6     legitimate consideration for you to consider. The other  
7     thing to consider is given the time frames on these, where  
8     do you think we would be three months from now if you pos  
9     dec, where do you think you would be three months from now  
10    if you told the Applicant to come back in February with a  
11    new plan. And if you were to do that, I would say there'd  
12    be some specific documentation you require because in  
13    retrospect, at the beginning of this, when we discussed pos  
14    dec versus neg dec, if we would have pos, we'd probably be  
15    in a similar place or maybe farther along. But I also know  
16    there's constraints. If the Applicant doesn't come back,  
17    that's a legitimate thing to consider. I'm not telling you  
18    not to consider what they say. Adjourn the public hearing  
19    and let's hear, let's talk it out.

20             BOARD MEMBER GREEN: I --

21             BOARD MEMBER COLLIER: There's a gentleman. Do you  
22    have a question, sir, in back?

23             BOARD MEMBER GREEN: I just want to point out that we  
24    actually were in the same exact spot in November and now  
25    it's January and we're in the same exact spot. I mean we

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2 may be here in May and be in the same exact spot. You  
3 know, we may be here next January in the same exact spot.

4           What I'm hearing is that if we did a pos dec, we get a  
5 finite thing that we have to do.

6           MR. PUCHNER: Respectfully, we're not exactly in the  
7 same -- I understand your position. We're not in the same  
8 place. We're actively talking about off-site mitigation  
9 you just mentioned earlier. Seriously talking about trying  
10 to figure out what to do. It's not an easy thing to do.  
11 It would be great if we could pull a switch and find an old  
12 trailer park that needs to be rehabbed, but there's  
13 probably all kinds of things have to done. We're actively  
14 looking at project changes that will reduce the impacts  
15 that we weren't looking at in November so we are making  
16 progress.

17           MR. COMPITELLO: Yeah. And I think, Lorry, I think  
18 we've made more progress than ever in the months where we  
19 stepped back and really took a harder look. December we  
20 couldn't meet because there was no meeting. That gave us a  
21 really good amount of time to jump back in and say, All  
22 right, we're really going to try to satisfy these comments.

23           Really, the remaining comments that are unsatisfied  
24 here are not comments that are going to be pushed further  
25 past February if that is when we submit. There is a chance

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2     that we could need until March if something happens in our  
3     process workflow with our internal team. The sixth is  
4     right around the corner. And I also feel that discussions  
5     with the Town about what we can do about off-site  
6     mitigation are going to be beneficial. I hoped we could  
7     have some of that conversation at the Town Board hearing  
8     last week, but there was a snow delay and so that wasn't  
9     had. That meeting wasn't held last week. But I think that  
10    there would be some discussions that would have come out of  
11    that that I could have brought back tonight and said,  
12    Here's an option we can look at in terms of off-site  
13    mitigation. There are some that are really good. I can't  
14    kind of speak for any them right now because they're ideas  
15    right now kind of floating around the town, but I think  
16    that they will be really good and they're things that we'd  
17    like to do. We look for organizations and places that we  
18    can support everywhere we go. That's what we've been  
19    trying to do in Mamakating for a while and I think we're  
20    just getting there now. I think we made a lot of progress.

21           The next application that you get from us, the next  
22    update that you get, it's intended to satisfy every one of  
23    these comments.

24           BOARD MEMBER GREEN: Including the trees?

25           BOARD MEMBER GOODMAN: We had this in the last

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2 workshops and all that. Then to stop the process before  
3 they get to try to fulfill them I think is not fair. I  
4 mean you've said what else can you do. It takes time, like  
5 you said. I think we'd want to hear what those things are.

6 CHAIRMAN STAROBIN: Well, we've been doing that for  
7 months.

8 MR. COMPITELLO: I think, too, Lorry, you just said  
9 including trees.

10 MR. CAPPELLO: Why don't you guys adjourn the public  
11 hearing pending your discussion and then either set a  
12 potential date for the reopening of the hearing or see what  
13 happens. But I think you guys need to discuss this now.

14 If you want to make your last pitch, go ahead and make  
15 your last pitch, but I think it's time for you guys to talk  
16 it out from your perspective.

17 MR. COMPITELLO: Yeah. I would just, again, urge  
18 everyone to look at the mitigations we've already proposed  
19 in the tree impact narrative. They are extensive. I think  
20 we've taken into account what will happen, what are the  
21 impacts and how we're going to address that. And  
22 Mamakating, there just isn't land out there. You're not  
23 going to see those impacts whether it's us or someone else.  
24 I think we really looked at that. It's a 180 page document  
25 that we gave you on the 12th of December. I think it

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2 thoroughly assesses have what's going to happen to the  
3 trees, just to that last comment.

4             BOARD MEMBER GOODMAN: Another question I have is in  
5 terms of this whole cut and fill thing is new and are you  
6 be proposing any narrative on how that's going to be  
7 handled. I don't know how extensive that is. All along in  
8 the process, my picture was that we're just cutting down  
9 trees and we're just then plantings posts in the topography  
10 as it is. Now this sounds like there's a lot more  
11 disturbance than initially what I thought. I mean in the  
12 EAF it says that there is no excavation and that nothing's  
13 been taken off site.

14             MR. COMPITELLO: Exactly right.

15             What's interesting about this and, Joseph, when you  
16 were calculating that -- Pat Mitchell from VHB couldn't be  
17 here tonight. He's our civil engineer who came up with the  
18 figures. The initial numbers, I'm not a civil so I can't  
19 speak to that.

20             MR. CAPPELLO: Then let's get the civil engineer to  
21 submit a written, whatever form it's going to be, which you  
22 will discuss. Whatever form it's going to be, there has to  
23 be a written, whether it's in an EIS or whether it's in  
24 your next submission, an analysis of the cut and fill that  
25 our engineer can review, that these guys can review,

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2 because if we're arguing, doing that on a number that might  
3 be a typo or something, we're wasting time. So your pitch  
4 here is submit the report, whatever form it's going to  
5 take, that will answer the question and we'll go from  
6 there.

7           MR. PAGGI: You're not going to prepare an analysis.  
8 The EAF says is there any material being removed, dredged,  
9 whatever, that's not associated with general site  
10 construction. All of their work is associated with general  
11 site construction so they fall under that exemption. It's  
12 like what we're dealing with with a mining site that's  
13 removing tens of thousands of material but it's in  
14 association with something else so the DEC didn't regulate  
15 it for mining.

16           MR. CAPPELLO: So it's not regulated, but if there are  
17 a lot of truck trips then you would analyze that and say is  
18 there any mitigation, can the road handle the truck trips.

19           MR. PAGGI: I don't think there's a discrepancy. I  
20 think the EAF is correct.

21           CHAIRMAN STAROBIN: Did you have a question? And then  
22 I'm going to adjourn the public hearing.

23           MS. M. TYRRELL: Can I just say a very quick two  
24 sentences?

25           STENOGRAPHER: I need a name.

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2           MS. M. TYRRELL:   Okay.

3           But just kind of reminded me this morning.

4           MS. PLATT:   Your name, ma'am.

5           MS. M. TYRRELL:   I'm sorry.   My name is Marsha  
6 Tyrrell.   I think I talk loud enough.   I'm a singer.

7           When I first bought my property, and I live at the  
8 corner of Spruce Road and Upper Mountain Road, when I first  
9 bought my property about 20 years ago I had a little  
10 babbling brook that kind of separated --

11           CHAIRMAN STAROBIN:   You're addressing a different  
12 project.

13           MS. M. TYRRELL:   No.   But I just -- but the irony is  
14 what I'm going to get to.

15           That was a babbling brook.   Then they had the 2007  
16 project where our property got wiped out a little, little.  
17 Then they built drains, I think.   I'm not a civil engineer  
18 so I don't know exactly what's there.   There was a little  
19 construction that went on and it damaged a lot of our  
20 properties.

21           Today, when I'm walking my dog, I no longer have a  
22 babbling brook, by the way, the water that was coming down  
23 off of the mountain sounded like a frickin' river.   I wish  
24 I could have had video, not video, but recording the sound,  
25 the power of that from the mountain.   Now, I know we had

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2 rain and I know we had snow, but I also know we haven't had  
3 any other excavation up there, you know, in a long while.  
4 And will we have snow and will we have rain again? We  
5 certainly will. I wish I could have had you come and  
6 listen to just that one little drain up by my house. Like  
7 I said, it could have been a frickin' river. That's our  
8 concern. What's going to keep that from happening again or  
9 getting worse.

10             CHAIRMAN STAROBIN: We're addressing that.

11             MS. M. TYRRELL: Okay.

12             CHAIRMAN STAROBIN: Cecilia, and then we're going to  
13 close the hearing.

14             MS. C. WALSH: Okay.

15             My name Cecilia Walsh. I am actually off of Spruce  
16 Road in the old place.

17             I have a problem in that I'm listening to this company  
18 who has decided to come to Mamakating knowing full well,  
19 according to their own, what they've been saying, that we  
20 are covered with trees and we have mountains. So we do  
21 have stormwater problems, which she's talking about. It's  
22 not just our mountain. They have it over there, too. They  
23 were just talking about it. So you think you are doing us  
24 a tremendous favor by coming in , taking our trees down in  
25 big groups. Okay? You're going to plant me a meadow with

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2 flowers. That's not what I'm here for. I'm for trees. My  
3 electric bill is \$65 a month. How much are you really  
4 saving me?

5 I'm watching my neighbors. The zoning has changed.  
6 We have one house per three acres so there's not going to  
7 be a huge demand. Now, my question is are you going to  
8 send it to Indian Point, those people, because that's being  
9 closed? Where do you think is going to be your electric?  
10 You are not helping me. All you have done is said, Look,  
11 we're going to give you this wonderful deal and cut all  
12 your trees and leave you with meadows. We may also have  
13 problems with water coming down.

14 I have to tell you, when I looked at what they  
15 submitted for my area --

16 CHAIRMAN STAROBIN: That's --

17 MS. C. WALSH: -- which is not our discussion --

18 CHAIRMAN STAROBIN: That's a different project.

19 MS. C. WALSH: I know. I want to mention they're  
20 really doing a good job watching that water, whether it be  
21 the mountains for Sugar Gum. They're talking about their  
22 water runoff. Okay? But you are changing my whole area.

23 CHAIRMAN STAROBIN: We'll address that when that time  
24 comes. Okay?

25 MS. M. WALSH: Oh. But I mean there -- yeah, okay.

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2             CHAIRMAN STAROBIN:  That's it.  Listen, we have to  
3 adjourn this public hearing.

4             MS. M. WALSH:  Okay, fair enough.

5             CHAIRMAN STAROBIN:  We've addressed many of these  
6 problems.  Okay?

7             MS. M. WALSH:  Okay.

8             MR. UNIDENTIFIED SPEAKER:  You have one more.  This is  
9 it.

10            CHAIRMAN STAROBIN:  This is the last one.

11            MR. UNIDENTIFIED SPEAKER:  This is the last one.

12            MS. V. BRENNAN:  Hi.  My name is Veronica Brennan.

13            And just to state, again, that the drainage that  
14 they're talking about, I know it's another project, but  
15 myself, our neighbors, already have that runoff issue and  
16 with all of these trees above us it is going to be more of  
17 an issue of water running down.

18            CHAIRMAN STAROBIN:  These all have to be addressed.  
19 Okay?

20            MS. V. BRENNAN:  Right.

21            And in addition to the number of trucks, when they  
22 were talking about the 9,000 panels which would come up to  
23 108,000 to 144,000 pylons, that's more trucks besides the  
24 trees that you're talking about being removed.  So the  
25 truck traffic on the road is going to be tremendous.  I

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2  just wanted to reinstate that.

3           CHAIRMAN STAROBIN:  Okay.  Thank you.

4           MS. V. BRENNAN:  Thank you.

5           CHAIRMAN STAROBIN:  A motion to adjourn the public  
6  hearing?

7           BOARD MEMBER GOODMAN:  I'll make a motion.

8           CHAIRMAN STAROBIN:  Alex.

9           Second?

10          BOARD MEMBER RUSSEK, III:  Second.

11          CHAIRMAN STAROBIN:  Joe.

12          All in favor?

13          BOARD MEMBER GREEN:  Aye.

14          BOARD MEMBER GOODMAN:  Aye.

15          BOARD MEMBER COLLIER:  Aye.

16          BOARD MEMBER RUSSEK, III:  Aye.

17          BOARD MEMBER ZAMONSKY:  Aye.

18          CHAIRMAN STAROBIN:  Aye.

19                         (The motion was approved and carried.)

20          MR. CAPPELLO:  Before anyone leaves, after the Board  
21  discusses, they may adjourn it to a certain date.  Any new  
22  concerns about it, you may not get another notice, so call  
23  Kyra if you want to leave.  She'll let you know the date of  
24  the adjourned date.  If you have neighbors who are  
25  concerned, call your neighbors.  Whatever the adjournment

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2 date, whether it's a Draft Environmental Impact Statement  
3 or whether it's another submission, there will be a package  
4 of information in Town Hall. Call Kyra. Look at it before  
5 you come to comment because there is, for all you folks  
6 that talked about water, a significant Stormwater Pollution  
7 Plan Prevention in there that our engineer has reviewed and  
8 has already commented on. So if you have concerns about  
9 water, you're welcome to look at that before you make the  
10 comment. So when you make your comment you can't say, Has  
11 anybody looked at water, because we have looked at water.  
12 You're entitled to have your own consultants look at that,  
13 you're entitled to provide any input you have to the Board.  
14 But please, if you're concerned about it you should  
15 probably review what they submitted so you come and you  
16 comment on what they submitted because this board has spent  
17 countless hours reviewing these materials to come up with  
18 these questions, to discuss the mitigation and we've done  
19 everything we can do within the law to notify you. Now  
20 it's up to you to review the materials.

21           MR. PAGGI: I have a question.

22           MS. UNIDENTIFIED SPEAKER: Do you want us to go to the  
23 web site, too, for the meeting?

24           MS. PLATT: Every meeting has been posted on the  
25 meeting calendar.

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2 MS. UNIDENTIFIED SPEAKER: Is that at the meeting  
3 agenda web site?

4 MS. PLATT: Yes.

5 MS. UNIDENTIFIED SPEAKER: Thank you.

6 MS. PLATT: And then all the agendas will be posted,  
7 as well.

8 MR. PAGGI: Was the babbling brook on the property?

9 MR. UNIDENTIFIED SPEAKER: No.

10 MR. PAGGI: On that other?

11 MR. UNIDENTIFIED SPEAKER: Upper Mountain Road.

12 MR. PAGGI: None of that has anything to do with this  
13 property.

14 MR. UNIDENTIFIED SPEAKER: Thank you, everybody.

15 MR. PAGGI: Thank you.

16 MR. COMPITELLO: Mort, I'm sorry. Did you close the  
17 meeting?

18 BOARD MEMBER ZAMONSKY: No, just the public hearing.

19 MR. CAPPELLO: So now I think we're down to two  
20 projects because you're not going to adopt a neg dec  
21 tonight. The question is pos dec, require everything  
22 that's submitted be submitted in the form of an  
23 Environmental Impact Statement or give the Applicant  
24 direction exactly what you want in your responses, that  
25 they would respond by a certain date. And then continue to

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2 review --

3           MS. PLATT: If you're going to have a conversation,  
4 please step outside.

5           MR. CAPPELLO: That will, if you get the information  
6 you and you like then it will roll the ball down the hill a  
7 little bit. Maybe it gets rolled to the finish line, maybe  
8 it doesn't and it keeps going. But that's where your  
9 decision is tonight. So I think maybe Alex was the last to  
10 begin his comment.

11           BOARD MEMBER GOODMAN: No. I'm more for pushing it  
12 down to next month, hearing what the proposal is myself. I  
13 think we can challenge them with coming up with some  
14 mitigations and questions. To cut it short before we've  
15 heard those proposals I think is not fair to the Applicant.

16           CHAIRMAN STAROBIN: Do we have any comments? Anybody  
17 else? Joe, Stosh?

18           BOARD MEMBER RUSSEK, III: No. I'm on the side of I  
19 think it's the same thing. I think that's only going to  
20 lead to another month or another month after that where,  
21 we're just, again, readdressing comments. And there's  
22 going to be new comments and I ...

23           BOARD MEMBER ZAMONSKY: I mean that's what happens  
24 with the draft, the DEIS, anyway. I mean we're going to go  
25 through scoping, I mean potentially up to 60 days for that,

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2 two months. You know, you can kick the can down to next  
3 month or take it to the DEIS and continue to kick it down.

4             I do think there's a number of questions that still  
5 need to be answered environmentally. I don't necessarily  
6 know if that needs to be answered in the DEIS. I hate to  
7 kick it down another month at the same time, but I don't  
8 know.

9             BOARD MEMBER GREEN: My thought is, what I'm hearing  
10 here, we were here in November and I want to hear  
11 mitigation plans. I'll tell you, if we decide that we're  
12 going to kick this down one more month I want to get  
13 something substantial, I want to see something substantial.  
14 I don't want to hear one of these, Well, we're going to  
15 plant this type of grass. You're cutting down 30 acres of  
16 trees in our community. We clearly don't think it's a good  
17 idea. The mitigations that we've seen are to lessen the  
18 impact to us. But as Cecilia said, this is our forest,  
19 this is what we want. You're coming in here, you're  
20 damaging our community. I have not yet ascertained what  
21 the benefit of this is, as I said, except there's a very  
22 minor savings on electric. And as much as I would like to  
23 do the pos dec and if nobody else wants to, that fine. But  
24 if we can get a real mitigation plan.

25             I'll tell you another thing that bothers me about

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2 this. We've been treating this as though a checklist of  
3 this, a checklist of that, checklist of that. Pardon the  
4 pun, you're sort of missing the forest for the trees.  
5 We're very concerned about this whole action of cutting  
6 down all these trees. I don't want hear it's been checked  
7 off. I want to hear what's been mitigated and what the  
8 people sitting here are going to say in response to the  
9 mitigation. From what I'm seeing, I'm not happy with what  
10 I've seen so far.

11           We've had this discussion about the scientific studies  
12 since June? We wanted to see scientific studies. I don't  
13 know how many times Mort has asked would you please give us  
14 pictures of something you've done and you've cut down 20 or  
15 40 acres of trees and what happened. We haven't seen any  
16 of that. All we've been told is you're going to be  
17 stopping climate change, or you're going to be saving  
18 money, you're going to be saving the State of New York.  
19 This is our community, these are our trees. What are you  
20 going to be doing for our community to assure us that this  
21 capital resource we've got, which are these trees, that  
22 spending that tree, that resource wisely and we're getting  
23 something for it. I haven't heard that yet. I believe  
24 that's what a mitigation statement should be. If we can  
25 get there without having to do this pos dec it and make

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2  life a lot easier, that's fine.  But, you know, maybe one  
3  more month and that's it.

4                 BOARD MEMBER ZAMONSKY:  Or wait two months and just  
5  get it all done correctly.

6                 CHAIRMAN STAROBIN:  Well, get to the discussion and  
7  then I think one way or another, either through a pos dec  
8  or if you decide to go further, I think we need to get a  
9  list of everything that we're going to require to be  
10  submitted before we move on this based upon what the  
11  Applicant has said and what the Board has required and say:  
12  Don't come back to another meeting until we have this in  
13  writing.  We don't want to talk and get out calculators on  
14  the number of trucks or have people come up at the meeting,  
15  try to calculate how much the water is.  We want something  
16  that says where it is in the record, has been reviewed by  
17  our consultants who will concur with that so then we make a  
18  determination based upon that, not the back and forth  
19  because that's what's ...

20                 CHAIRMAN STAROBIN:  You know, we're rocking back and  
21  forth on this.  We've done this for months and months.  How  
22  long have we been doing this?  When did we start?

23                 BOARD MEMBER RUSSEK, III:  A little over a year.

24                 CHAIRMAN STAROBIN:  January?  Over a year?

25                 BOARD MEMBER GREEN:  Yes.

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2 MS. PLATT: It's a year.

3 BOARD MEMBER GREEN: Right, it was January 10th. We  
4 were wearing the same shirts.

5 CHAIRMAN STAROBIN: It's a moving target. Okay?  
6 What I want to do is put a finish on this. I think the pos  
7 dec is the way to go. If the Applicant wants to meet with  
8 the workshop next week or the week after, we'll put  
9 everything in a neat package at that point. They answer  
10 that neat package and either we go or we don't go. There's  
11 a finality to it. The way it is now, this is just you come  
12 back next month and the month after, new questions are  
13 going to be raised.

14 So we will work with you. The faster you go, the  
15 faster we'll go. You've already said you're doing a lot of  
16 work to this. A lot of the scoping has been done. Let's  
17 get everything in a neat package and that's it. Okay?

18 BOARD MEMBER ZAMONSKY: They did a 280 page solar  
19 evaluation for the Town. They should be able to do a 200  
20 page DEIS.

21 MR. CAPPELLO: Yes. Well --

22 MR. PUCHNER: The DEIS is not 200 pages, it's a  
23 thousand pages.

24 CHAIRMAN STAROBIN: Well, you've already done a lot.  
25 You've done a lot of that. You're working on that stuff

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2 now. Let's put a stop to it, put a finish line on it. Aim  
3 for June, something like that that we're talking about,  
4 June, July, which I think your is your timeline would be  
5 anyway.

6           MR. COMPITELLO: No, that's not. We've never actually  
7 discussed it, the timeline that this project is on, from a  
8 utility perspective.

9           CHAIRMAN STAROBIN: Well, the way it's going right now  
10 with the current method --

11           MR. CAPPELLO: We adjourned the hearing and get  
12 consensus of the Board.

13           CHAIRMAN STAROBIN: Okay. So is this something that  
14 we vote on?

15           MR. CAPPELLO: If someone wants to make a motion, I  
16 mean if everybody said their peace on one way or another,  
17 then someone would make a motion on one or someone would  
18 make a motion on the other. I mean you have to agree as  
19 the Board.

20           BOARD MEMBER ZAMONSKY: I'll make a motion on the pos  
21 dec, vote on the pos dec.

22           MR. CAPPELLO: Well, make a motion. If someone  
23 seconds it then we'll discuss it.

24           BOARD MEMBER RUSSEK, III: Second.

25           BOARD MEMBER ZAMONSKY: Oh, you want to read this?

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2             MR. CAPPELLO:  Make a motion.  If someone seconds it  
3 then we'll discuss it.

4             BOARD MEMBER ZAMONSKY:  Okay.

5             BOARD MEMBER RUSSEK, III:  I second it.

6             MR. COMPITELLO:  Is it possible to go back one step,  
7 as well?  I just wanted to put something else in context  
8 about where we were in November, about what was decided at  
9 that meeting and where we have come to today.

10            So at the November meeting there was, actually, I  
11 think kind of a rush to looking at a positive declaration  
12 and I think that came out of a few months of looking at  
13 this project.  I think what we decided then, what came out  
14 of that was giving us some time to come back in January to  
15 really complete the review.  If you look, if you compare  
16 the comment responses of the Town consultants between  
17 November and just before November and what we saw in  
18 January, we have very few things to actually close out in  
19 terms of comments that are not satisfied yet, and not to  
20 look at that as just a checklist.  But it is a guide that  
21 we can look at.  All of them are very valid points.

22            I think what might be useful to do is look at what's  
23 remaining in this next application update.  It's a revision  
24 of the site plan.  It's going to show the actual number of  
25 trees that we are going to clear on the site, which we

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2 eventually would have brought, had to show the Town when we  
3 go to permit. That reduction, right now, I'm not sure of  
4 the total number so I can't say was it is yet, but I know  
5 that is in the direction of a reduction. We will show the  
6 mitigation plan there. We will have the SWPPP complete.  
7 We will have everything there, already, for you to make a  
8 decision of what we've seen in every other town that we've  
9 brought a project to, of approving a project like this.  
10 There's nothing we haven't shown you yet that hasn't been  
11 able to convince another town in New York State to approve  
12 these types of projects.

13           What I am very firm on is that I do not know, we're  
14 going to make an internal decision with my team if we can  
15 bear the costs in addition to what we've already borne for  
16 these projects with our full interconnection agreement  
17 payment, a year-long review with the Planning Board. We  
18 also have incentive from the State to help us connect that  
19 system into the utility grid which is part of the State's  
20 effort in making sure that we can provide affordable  
21 energy, we lose all of that, I can't be certain that we  
22 would come back under a positive declaration. I've been  
23 very upfront about that from the time that it came out,  
24 from the first time that it was discussed.

25           What I can say is that we can do a review of this that

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2 looks at all of the public comments that came out. We can  
3 index and say: Here's where that's already addressed.  
4 Here is where you can find the information. We've done  
5 that in our last public hearing comment responses and we  
6 can definitely do that tonight with tonight's comments, the  
7 public hearing. We can index everything that is a  
8 remaining unsatisfied comment on NVP's and Larry Paggi's  
9 comment responses so that you know where everything is and  
10 it's all documented there in the record. That is something  
11 we can definitely do. I think it would take us until the  
12 March application deadline line to that.

13           BOARD MEMBER RUSSEK, III: You know, we did that, Dan,  
14 in November. When the entire board wanted to go to a pos  
15 dec I was the person, I was on your side to give you able  
16 the whole let's skip December, let's go to 'til January.  
17 In January we were going hear this amazing, what just you  
18 just said again. And we're here again with a list, still,  
19 a long list. That's the reason that, again, I'm going to  
20 vote for the Positive Declaration of it.

21           BOARD MEMBER GREEN: When Joe brought that up in  
22 November the idea was that you were going to get to that  
23 final, you addressed all the concerns, you have data in the  
24 application by December 15, it was going to give the  
25 consultants some time to review it, and then see if we can

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2 get together for that January meeting. As you said, that  
3 was supposed to be the be-all, end-all. We're right back  
4 where we are. We still have a pretty long list of things  
5 we want to get to. To me, the key issue, and I keep on  
6 coming back to this, 30 acres of trees.

7             MR. LESER: Excuse me. Point of order.

8             STENOGRAPHER: Mr. Chairman, are you recognizing the  
9 gentleman back there?

10            CHAIRMAN STAROBIN: No.

11            STENOGRAPHER: Thank you.

12            MR. LESER: (Unrecorded comment.)

13            MR. CAPPELLO: It's up to the Board --

14            MR. LESER: (Unrecorded comment.)

15            MR. CAPPELLO: It's up to the Chair to hear who he  
16 determines to hear. If he determines not, you're right,  
17 there is a motion on the floor. But if he wants to review  
18 and he wants to hear them, the Chair runs the meeting.

19            BOARD MEMBER ZAMONSKY: Were you going to say  
20 something? Yes, I thought you were starting to say  
21 something.

22            BOARD MEMBER GREEN: No. I was finished.

23            BOARD MEMBER ZAMONSKY: Okay.

24            BOARD MEMBER GREEN: Just that December 15th was  
25 supposed to be the drop dead date. Now it'll be March and

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2 then maybe June. Think of all the time has been invested,  
3 then you think of all time that's been invested by this  
4 board. We don't get paid, enough to barely pay our gas  
5 mileage, if that. This has been very much a volunteer  
6 effort. There's a stack in my living room that is five  
7 feet high. I've read just about every one of these pages.  
8 I'm still not convinced. I don't want to wait another two  
9 months for the next thing to finally be checked off, yes,  
10 we checked off that. We need some finality.

11             CHAIRMAN STAROBIN: Okay. Can we proceed?

12             Stosh, you --

13             BOARD MEMBER ZAMONSKY: I had a motion.

14             CHAIRMAN STAROBIN: Motion.

15             BOARD MEMBER RUSSEK, III: I second the motion.

16             CHAIRMAN STAROBIN: Second.

17             MR. CAPPELLO: Now you are at discussion phase. So  
18 whatever board member would like to discuss, or if there's  
19 no more discussion, call the vote.

20             CHAIRMAN STAROBIN: Is there any --

21             MR. CAPPELLO: Sorry. The pos dec that you have  
22 before you, we should go through it.

23             The beginning is a discussion that it notices pursuant  
24 to Part 16, just describes the action, describes that the  
25 Board hereby adopts a Positive Declaration. Names the

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2 action, the Lead Agency, the date of it.

3           The description of the action is the Applicant  
4 proposed to construct two new separate freestanding  
5 photovoltaic solar array systems consisting of  
6 ground-mounted solar photovoltaic panels on two sites in a  
7 fixed-tilt tracking configuration on an 83 acre combined  
8 site. The subject property is located 904 and 905 Mount  
9 Vernon Road within the Mountain Greenbelt Zone District.  
10 These sites are separate contiguous parcels and are being  
11 viewed as one parcel to examine the cumulative impacts.

12           Lot 14.-1-25.1, Dunntown Solar LLC, is a 44.9 acre  
13 site with a proposed 4.66 acres of solar panels expected to  
14 produce approximately two megawatts of power. The parcel  
15 contains 40.2 acres of mature forest and 5.6 acres of  
16 wetlands. The site development proposal includes the  
17 access road through the narrowest portion of the wetland  
18 which will connect the Dunntown and Sugar Gum project  
19 sites.

20           Lot 14.-1-23.1, Sugar Gum Solar LLC, is a 38.75 acre  
21 site with a proposed 3.84 acres of solar panels expected to  
22 produce approximately .9 megawatts of power. The parcel  
23 contains 38.16 acres of mature forest and 4.41 acres of  
24 wetland.

25           The construction of this system will involve driving

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2 posts approximately six to ten feet into the ground, or at  
3 depths, where appropriate, for frost conditions every 12 to  
4 16 feet and mountings panel racks to the posts. Access to  
5 the site will require crossing a federal and state  
6 regulated wetland on the Dunntown site to provide access to  
7 both this site and the adjacent site. Installation and  
8 operation of the panels will require the Applicant to clear  
9 cut a combined 29.68 acres of mature successional forest  
10 from the site.

11           The solar farm will operate as a community distributed  
12 generation CDG facility as prescribed by New York State  
13 Public Service Commission under the electric tariffs of  
14 Orange and Rockland Utility. As a CDG facility the project  
15 will provide clean energy to the existing electrical grid  
16 operated by Orange and Rockland Utilities. The impacts  
17 associated with these combined sites will produce  
18 approximately 3,000 kilowatts or three megawatts of  
19 electricity as now amended.

20           The location of the proposed site is located on the  
21 north side of Mount Vernon Road, less than a half mile east  
22 of County Route 56/New Road in the Town of Mamakating.

23           The reason supporting this determination, potential  
24 environmental impacts associated with the proposed action  
25 are identified in the Full Environmental Assessment Form.

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2   These impacts which may have reasonably expected to result  
3   from the project have been compared to the criteria for  
4   determining significance identified in 6 N.Y.C.R.R.  
5   617.7(c)(1) and in accordance with 6 N.Y.C.R.R. 617.7(c)(2)  
6   and (3). The Planning Board finds that the proposed action  
7   may result in one or more significant impacts on the  
8   environment and an Environmental Impact Statement will be  
9   prepared to address, at a minimum, the following elements  
10  of the proposed action which may result in proposed  
11  impacts.

12           No. 1: The proposed action requires conversion of  
13  more than ten acres, 29.6 acres, of mature forest habitat.

14           Two: The impact of the Proposed Action would benefit  
15  from an analysis of alternative sites or alternative plans.

16           Three: Clear cutting associated with the development  
17  may have adverse visual impacts.

18           Four: The Proposed Action may result in increased  
19  erosion from both physical disturbance and natural  
20  vegetation removal.

21           Five: There have been inconsistencies in the  
22  materials submitted, to date, that may be clarified through  
23  the EIS process.

24           Now, as I'm going through this, especially in these  
25  areas, anything the Board wants to add, now would be the

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2 time to do it.

3           It goes on further to say, I would cross out the word  
4 Scoping, the title, and just say: The Lead Agency further  
5 determines that since it has convened a public hearing on  
6 the action and heard the concerns of the public on these  
7 have applications, there is no need to go through a formal  
8 scoping for the EIS.

9           One: The Applicant is directed to update all of its  
10 submissions, to date, to make sure that they provide  
11 consistent information throughout.

12           Two: Provide a project description to include the  
13 specifications of each site separately and in total;

14           B: A summary of the enclosed materials.

15           Three: Provide analysis of the following  
16 alternatives:

17           A: Developing only one of the two systems;

18           B: Developing one three megawatt system on one of the  
19 parcels.

20           Four: Provide an analysis of possible off-site  
21 mitigations to address tree loss.

22           Five: Provide analysis of wetland mitigation.

23           I don't know if you want to include this here.

24           Six: Provide further clarification of the SWPPP,  
25 Stormwater Pollution Plan, and its impacts on adjacent

1 - RE: NORMAN ISAACS -

2 properties, and potential impacts on adjacent properties.

3 MR. PAGGI: Put something in there about materials.

4 MR. CAPPELLO: Yes.

5 And Seven: Provide a cut and fill analysis.

6 MR. PAGGI: Cut and fill analysis.

7 BOARD MEMBER RUSSEK, III: Is there also an eight,  
8 like a trucking or something of a road impact?

9 MR. CAPPELLO: The cut and fill analysis, including  
10 analysis of anticipated truck --

11 MR. PAGGI: Trip generation.

12 MR. CAPPELLO: -- trip generation.

13 Anything else?

14 BOARD MEMBER GREEN: This 3-B, developing one three  
15 megawatt instead of two?

16 MR. CAPPELLO: No. I actually put that as a potential  
17 alternative because the State has actually, as I  
18 understand, amended its regulations for the PSE, amended its  
19 regulations that up to a month ago required a max of a two  
20 megawatt system. Now they're, I believe a max of five  
21 megawatts so you could have just one move. Again, I think  
22 it should be analyzed, move the .9 that would result in  
23 less impacts or not.

24 And it just states: For further information the  
25 contact person is the Chair of the Planning Board.

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2           And on the other side it just directs you to copy the  
3 notice of pos dec would be sent to, which includes the DEC,  
4 Sullivan County Planning, Town Board.  You've got NYSERDA,  
5 U.S. Army Corps of Engineers, U.S. Fish and Wildlife  
6 Service.

7           And as we're going down, I would include an eight,  
8 just so we have one document.  Since this is an  
9 Environmental Impact Statement that all the agencies will  
10 have to use when they make whatever, if the Board goes this  
11 way and adopts this, whatever Draft Environmental Impact  
12 Statement, Final Environmental Impact Statement, all the  
13 involved agencies would have to base their decisions on the  
14 record in that Final Environmental Impact Statement.  So we  
15 should include:  And fiscal analysis to support Applicant's  
16 offer on a proposed PILOT.  So this way, the Town Board,  
17 whatever information, submit it to the Town Board, will be  
18 in this document.  The Town Board could review it and the  
19 Town Board would make a decision based upon that  
20 information.

21           So with that, any comments or suggestions, if the  
22 Board want to adopt it?  You don't have to.  It's your  
23 decision.

24           I'm going to hand this to Adriana to revise and make  
25 sure we forward it, to get it mailed out correctly.

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2 CHAIRMAN STAROBIN: Okay. So we continue.

3 A vote on a Positive Declaration. All those in favor?

4 (The following four Board Members raised their  
5 hand: L. Green, M. Starobin, E. Collier and J.  
6 Russek, III.)

7 CHAIRMAN STAROBIN: One, two three, four. Okay. Four  
8 for.

9 Opposed?

10 (The following four Board Members raised their  
11 hand: A. Goodman and, S. Zamonsky.)

12 CHAIRMAN STAROBIN: Two opposed. Four, two.  
13 All right.

14 (The motion was approved and carried.)

15 MR. CAPPELLO: So we'll adjourn the public hearing  
16 until we set a hearing on the EIS. Then hopefully, both  
17 hearings would then run concurrently and put it an end to  
18 this.

19 CHAIRMAN STAROBIN: A motion to close the meeting.

20 BOARD MEMBER RUSSEK, III: I make a motion.

21 CHAIRMAN STAROBIN: Second.

22 BOARD MEMBER GOODMAN: Second.

23 CHAIRMAN STAROBIN: All in favor?

24 BOARD MEMBER GREEN: Aye.

25 BOARD MEMBER GOODMAN: Aye.

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- RE: NORMAN ISAACS -

BOARD MEMBER COLLIER: Aye.

BOARD MEMBER RUSSEK, III: Aye.

BOARD MEMBER ZAMONSKY: Aye.

CHAIRMAN STAROBIN: Aye.

(The motion was approved and carried.)

(Time noted: 9:21 p.m.)

\* \* \* \* \*

## REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the foregoing transcript is an accurate record of the proceedings in the matter of NORMAN ISAACS (Dunntown Solar, LLC and Sugar Gum Solar, LLC), to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.

A handwritten signature in black ink that reads "Rosemary A. Meyer". The signature is written in a cursive, flowing style.

ROSEMARY A. MEYER

Date Transcribed: April 13, 2018

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