

**TOWN OF JACKSON
PLANNING BOARD MEETING
March 7, 2023**

The Town of Jackson Planning Board met on March 7, 2023 at 6:30 pm at the Town of Jackson Town Hall. The following people were in attendance-

Board Members:

- Amy Maxwell
- Kelly Donahue
- Erik VandenBerg
- Mark Mahoney
- Steve Chuhta

Others Present:

- Terrence Nolan – New Leaf Energy
- Sharon Dunn – Resident
- Ceara Dever - Resident
- Dwight McGee

OPEN MEETING AT 6:30 PM

Planning Board Member Mark Mahoney spoke to request that the February, 2023 Planning Board meeting minutes be adjusted to include the acknowledgement and agreement from Newleaf Energy representative Terrance Nolan, that a paragraph should be added into the Escrow Agreement between the Town and Jackson Solar 1, LLC, that states if escrow funds are expended and engineering reviews are not complete, then the applicant will deposit a further sum into the escrow account to cover the amount of the remaining funds.

MINUTES

A **motion** was made by Steve Chuhta and seconded by Erik VandenBerg to approve the February 7, 2023 meeting minutes, with the inclusion of stating the agreement from Newleaf Energy that Jackson Solar 1, LLC will cover additional engineering review costs if escrow funds are expended. Motion carried in favor 5-0.

DANIEL AND CEARA DEVER

Ceara Dever was present at the Board meeting with maps for her and her father, Daniel's application for a subdivision at 250 Dunbar Road (Parcel Id #239.-1-10). Daniel and Ceara seek approval of a minor subdivision of 10.37 acres from a 33-acre lot owned by Daniel. The current lot contains two residences, barns, fields and 2 ponds. The proposed lot 1 contains a house, and woodlands in the 7.82-acres on the eastern side of the road and a pond, a field and a barn on the 2.55 acres located to the western side of the road. The remaining land contains a house, a pond and woodlands in the 16.15-acre lot located to the eastern side of the road and a barn, fields and

a pond located in the 5.97 acres located to the western side of the road. Both lots have road access on Dunbar Road. The purpose of this subdivision is to convey the proposed lot 1 to Ceara.

The Board reviewed the survey map and all agreed that it looked good. The Board then went over the application and agricultural data statement followed by the SEQR part 1, then completed the SEQR part 2.

A motion was made by Steve Chuhta and seconded by Kelly Donahue to classify the project an unlisted action.

Motion carried in favor 5-0.

Roll Call:

Erik Vandenberg	Aye	Amy Maxwell	Aye
Mark Mahoney	Aye	Kelly Donahue	Aye
Steve Chuhta	Aye		

A motion was made by Mark Mahoney and seconded by Steve Chuhta to give the project a negative declaration.

Motion carried in favor 5-0.

Roll Call:

Erik Vandenberg	Aye	Amy Maxwell	Aye
Mark Mahoney	Aye	Kelly Donahue	Aye
Steve Chuhta	Aye		

A motion was made by Kelly Donahue and seconded by Erik Vandenberg to set the date for the public hearing on the subdivision for Daniel and Ceara Dever at 250 Dunbar Road, to Tuesday, April 4th, 2023 at 6:30 pm.

Motion carried in favor 5-0.

Roll Call:

Erik Vandenberg	Aye	Amy Maxwell	Aye
Mark Mahoney	Aye	Kelly Donahue	Aye
Steve Chuhta	Aye		

The clerk will mail letters to the adjacent property owners to notify them about the project prior to the date of the public hearing.

DWIGHT MCGEE

Property owner Dwight McGee presented the Board with his sketch plan for a major subdivision of his property located on 122 Colfax Road. The sketch plan is for 3 new proposed lots, two with

road access on Colfax and one on Route 22. There is a shared driveway that accesses the current lot with right of way owned by the neighboring property. The Board reviewed the maps and all agreed that the subdivision could be made minor by adjoining the proposed lots 1 and 2. Mr. McGee was given application paperwork for a minor subdivision and he agreed to return with a survey map.

JACKSON SOLAR 1, LLC

The Board reviewed several items with Newleaf Energy Senior Project Developer Terrance Nolan:

- Prior to the time of the Planning Board meeting, the clerk received a sample decommissioning bond from Newleaf Project Engineer William Peregoy. Upon reviewal of the bond, the Board all agreed that the document must be reviewed by the Town Attorney for approval.
- The Board reviewed the draft Escrow Agreement with Mr. Nolan and noted that in the Funding of Escrow clause of the document, it should not include verbiage regarding a building permit (as a building permit is not required with large scale solar projects) and it should state that escrow funds are to be deposited “prior to” May 1, 2023. Board Member Mark Mahoney pointed out that there should be language in the document to protect the Town in the event that Barton and Loguidice can no longer provide Engineering Services, so the Town will be covered by the project company to receive services from another engineering firm. Mr. Nolan stated that this would most likely be included in the agreement between the Town and Barton and Loguidice, which will be added to Attachment A of the document. Clerk Molly Dixon stated she would look into the Engineering Services Agreement between the Town and B&L for confirmation.
- Mr. Nolan requested confirmation from the Board regarding which conditions needed to be met prior to the May 1, 2023 deadline. The Board agreed that conditions 1, 2 and 3 would need to be completed or already have been. Mr. Nolan requested the Board reconsider the \$80,000 maintenance bond be posted prior to May 1st, this due to the fact that the bond is for landscaping that won’t be completed until the project is close to being fully built and operational. As Newleaf will no longer own the company at that point, they would rather not have to post that bond. After discussing this with Attorney Teresa Bakner, Chairperson Amy Maxwell pointed out that we need to get as many conditions completed prior to May 1, 2023 as possible. The company that is purchasing the project will be able to reimburse Newleaf for this bond if necessary. Board Member Steve Chuhta agreed that there is no compelling argument made for not posting the bond, and this should be completed by the deadline. The Board reviewed the rest of the conditions that needed to be completed 7, 8, 9, 11, and 12. Mr. Nolan pointed out that in condition 12, Jackson Solar 1, LLC will not have the DOT permit till after construction. He added that condition 15 is already completed and in regards to condition 25, he is not sure the company will have the COI by the next meeting.

SUBDIVISION CHECKLIST

The Board all agreed that any changes that need to be made to the subdivision checklist, should be made following the April 5th TB meeting to change the subdivision regulations. They discussed the possibility of adding a sample map to the checklist, but will go over this and other ideas at a future meeting. PB Clerk Molly Dixson will set up a time with Board Member Kelly Donahue to go over the necessary changes that need to be made to the regulations so they coincide with the checklist requirements.

New Business:

- Chairperson Maxwell pointed out that there will be public hearings at the April 5th TB meeting starting at 8:00 pm, including the Local Law to change the subdivision regulations and the Local Law to permit solar.
- Board Member Chuhta spoke with Heather Weller, the GIS specialist at Washington County in regards to obtaining an agricultural district map. She will be sending a copy of the map to Steve for review prior to the map being printed. The map will include updated names of parcel owners as well as bodies of water and other important land information.
- Board Member VandenBerg looked into the cost of receiving a 5-foot tv screen that can be connected to the computer to view GIS maps and other planning documents on. It would be around \$500 for the screen and less for a projector set up. Clerk Dixson will look into the possibility of using ARPA funds for this.
- Resident Sharon Dunn asked the Board about the possible sound effects of solar transformers in large scale solar projects. Chair Maxwell advised that the sound report they received at the beginning of site plan review for Jackson Solar 1, LLC stated the transformers emitted less sound than an air conditioning unit.

A **motion** was made by Steve Chuhta and seconded by Erik VandenBerg to adjourn the meeting at 8:12 pm.

Motion carried in favor 5-0.

Next Meeting: Tuesday, April 4, 2023 @ 6:30 pm

Adjourned: @ 8:12 pm

Respectfully submitted,

Molly Dixson, Town of Jackson