

Town of Washington Planning Board
October 3, 2017

The monthly meeting and public hearing of the Town of Washington Planning Board was held on October 3, 2017 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: James Cornell, Donald Hanson, Ed Jorgensen, Jim Shequine, also, planner/consultant Neil Wilson, Al DeBonis, councilman/planning board liaison and Michael Murphy. Councilman.

In the absence of chairman Paul Schwartz, Board member Hanson assumed chairmanship for the meeting, opened the meeting with the Pledge of Allegiance at 7:32 P.M.

A motion to approve the May'17 through September '17 meeting minutes as submitted was made by board member Jorgensen, seconded by board member Cornell. 4 ayes, 3 absent.

The application request of Lang-Assael Subdivision, 4449 Route 44 (Christina and Sophia Lang Assael) is to subdivide off 20.94 acres from a 141.90 acres parcel that previously existed as shown on filed map 10702B (old Stepan, Route 44 property).

Dutchess County Tax Map Grid No. 6966-00-515955

Brian Houston, L. S. appeared before the board, gave a brief description of the subdivision proposal. The property location is on Route 44 and Millbrook School Road. The proposal is for a two (2)lot subdivision of land owned by Christiana Lang-Assael and daughter, Sophia Lang-Assael There were three (3) individual parcels of land that they consolidated in 2014, now want to re subdivide out one of the lots as it existed in the previous filed map 10702B. The parcel consolidated was 141.90 acres, want to subdivide off a lot, was the old Stepan farm of 20.94 acres. No building is being proposed, the parcel contains a house, numerous barns, indoor riding ring, has own well, septic system.

Board member Hanson questioned if this land is as built? An affirmative response was given by Brian. Consultant Wilson remarked that Brian did a very good job on the notations in explaining the proposal.

A motion to open the Lang-Assael Subdivision Public Hearing was made by board member Jorgensen, seconded by board member Cornell. 4 ayes, 3 absent.

No one from the public commented on the application.

A motion to close the Lang-Assael Subdivision Public Hearing was made by board member Cornell, seconded by board member Jorgensen. 4 ayes, 3 absent.

A motion to issue a Negative Declaration of Determination of No Significance was made by board member Cornell, seconded by board member Jorgensen. 4 ayes, 3 absent.

A motion to Grant the Lang-Assael Subdivision Preliminary Approval was made by board member Jorgensen, seconded by board member Cornell. 4 ayes, 3 absent.

A motion to Grant the Lang-Assael Subdivision Final Approval was made by board member Cornell, seconded by board member Jorgensen. 4 ayes, 3 absent.

The application request of Guardian Angels Day Care Center (Michele Eddington) 6 Route 343, is for the expansion of the existing day care at that location onto a contiguous vacant parcel. **Dutchess County Tax Map Grid No. 6764-01-226731.**

Attorney Josh Mackey, Mackey, Butts & Wise LLP, Michele Eddington, applicant, Joel Chase, P.E., Connolly Engineering PLLC, 36 Grist Mill Lane, Pleasant Valley, NY and Route 44, Millbrook, NY and Keith Scofield, R. A., Liscum, McCormack. VanVoorhis, Poughkeepsie, NY appeared before the board.

Attorney Mackey gave a brief review of the proposal, the application was submitted in July to build a day care center on a vacant 2.73 acres lot on the corner of Halcyon Road and Route 343. Michele and Scott Eddington currently own Guardian Angels Day Care Center on the corner of Route 343 and Route 82. The intention is to move this day care center from their residence onto the vacant parcel and a new facility, will discontinue the use of the current day care in their residence.

The reason for this move has much to do with confined space at their residence, traffic along Route 343 is a busy road, there are safety concerns. This proposal allows an opportunity for future growth which is desired. The existing license will be moved over to the new facility. At the last meeting some of the history, reason, for the application was given, there is a community need that is seen by Michele, also himself as a working parent who utilizes daycare facilities. Some of this also has to do with the vacuum that developed years ago when Cardinal Hayes was across the road, also, Dwyer had a daycare on Halcyon Road,

The proposed building is a one level structure on the vacant parcel, formerly Bennett College tennis court, also, a plan to construct a residence as part of this new facility, is now depicted on the south portion of the site plan. Talked about at the last meeting was a driveway to access the apartment being separate from the daycare center, also moving the outdoor play area. The plan is to drill a well, install a septic system, since Michele is unable to be connected with the Village water supply across the road because a moratorium is in place. Joel Chase, has brought a revised site plan, some feed back from the public at the last meeting was wanting to see some colored elevations, Keith Scofield, Liscum, McCormack, Van Voorhis, brought an initial draft. Since this is a draft are open to planning board feedback, the desire of the owner, neighborhood, was to take on some kind of residential appearance. The initial draft has a front porch, would face Halcyon Road, these are some initial depictions of what the elevations of the of the building would look like. Michele and Scott Eddington's house has a red roof so they selected a red roof to match their house. There are not intentions to remove any of the wooded area along Route 343, the idea is to keep the screening there that is existing, keeping it natural, are open to putting in more if necessary. There is a very old Maple tree in the back, have made accommodations so that they don't have to remove the tree. There is no lighting plan yet, if the planning board has a specific preference for a type of lighting it can be added to the site plan. A downcast or low wattage similar to Dutchess Day School is being considered.

The applicant feels that this proposed location on Halcyon Road will be safer regarding traffic than being on Route 343 where the children currently get on and off the bus. The schedule was talked about at the last meeting, children are being dropped off in the morning when working persons are on their way to jobs, there are children being picked up at odd times throughout the day so the number of children does fluctuate.

Joel Chase gave his presentation from a large scale site plan poster, pointed out the changes on the revised site plan, Keith Scofield presented draft color elevations on a large poster, pointed out the red roof.

Consultant Wilson related that one of the things talked about at the last meeting was trying to make sure to avoid pedestrian conflicts on the site, the buses are not coming onto the site, they are dropping off at the end of the driveway, questioned if there is a path or a sidewalk, or someone, to walk the children up the driveway up to the site? Is there some separation between where the driveway is and the cars coming in and out at the same time, a sidewalk or a path to get the children off Halcyon Road? Joel Chase said that they don't have a separate access at this time are using the edge of the driveway to walk down, does have a cross walk going through the parking lot. It is something that they can add. Consultant Wilson remarked that something is needed, even if it's a small sidewalk on the edge. Next questioned if the island in the middle will be curbed?

Everything will be paved, correct? “Everything will be paved.” Consultant Wilson questioned about the little walkway, is that at grade or coming up onto the curb. “That will be at grade, there will be a ramp.”

Board member Hanson questioned if they have been in contact with the Board of Health relative to the well and septic, also, the State relative to the Permit? Joel Chase said they have made a submission, are waiting for a response. Board member Hanson questioned if the roof is metal? “Yes” Next referred to changing the color of the roof, something that will blend in with the natural surroundings, green, blue? Attorney Mackey suggested bringing in color material, samples at the next meeting. Consultant Wilson suggested something more subdued, a color rendering may be very different than the actual color, material samples, may not be as vibrant as the color rendering. Keith Scofield said the materials vs a color printer never depict the exact color tint. Consultant Wilson remarked if the applicant wants a red roof, bring in a sample of the red roof that the Board can see. Board member Cornell referred to the Millbrook Golf and Tennis Club having a similar structure that blends into the surrounding trees, nothing obtrusive.

Board member Shequine questioned the number of children enrolled, stability of the project? Applicant said there are currently twenty (20) children enrolled, the maximum number is sixteen (16) the number fluctuates based on her license. Said, the reason for this project is because there is such a demand for this, she receives numerous phone calls, with her experience of eighteen years many parents rely on reputation. Attorney Mackey said there can only be sixteen children in the building at one time, if it were staggered could have thirty children. Applicant said she has had as many as twenty six children. Applicant said she is currently licensed by the State, the proposed daycare center will be licensed under the State. Applicant said she is licensed for sixteen (16) children, has twenty (20) children enrolled because they are staggered, can fit them in as part time so she always has sixteen children under her license, cannot go beyond that number, would not be in compliance.

Consultant Wilson questioned, she is modifying her license to allow for how many children? Applicant said the State will determine this, the license is modified by the square footage of the building. She would like to enroll forty (40) children, due to the square footage of the new daycare center the State will probably tell her she can enroll more children. Consultant Wilson questioned, she may have more enrolled, but she would not go above forty children max on site at any one time? Applicant responded affirmatively, it’s the State that dictates what she can do.

Applicant related that the new day care enter, along with being a day care, will have a preschool program, will have instant care for the ages of six weeks to two years which is considered infant, the three, four, year olds will be taught as in preschool, also a day

nursery school. Any child ages three, four, enrolled, will have a preschool teacher, but will also be in a daycare setting. Other schools offer preschool, later are charged for daycare, the charge of her facility will be in one lump sum. She has researched a number of daycare centers, a lot of these places are taking advantage of parents, are charging them more than they need to be charged, she does not want to overcharge. The preschool charge and daycare is to be rolled into one, it will be a set fee, a parent will walk in knowing they can drop their child off at seven a.m. pick up at five p.m. will be charged a set fee. Michele said this is a big investment, she is not going into this blindly, is not going into this not knowing what the community needs, knows how to run the facility, Michele commented that she plans to run the new day care center the way it is currently being run, has done a lot of research.

Applicant stated she has been keeping in contact with the State for the last year and one half, has been dealing with the State for eighteen years, knows how they work, already has her book of regulations she received about nine months ago, has been reviewing them over and over. What will take place in the new daycare facility is very similar to the current daycare facility only on a larger scale. It will be different with the teachers, the assistants will be pretty much the same. She being the owner, has to step back and let her director handle most of the operation, has already been told by the State that she is not allowed to “step on her director’s toes.” She wants to make sure that the proposed facility runs smoothly and professionally.

Consultant Wilson remarked it is the way in which the State is occupying the field for certain types of these operations including this proposed facility. Board member Jorgensen questioned if the State preempts the care for pre kindergarten? Yes, for that age group because there is a need. Consultant Wilson said he has a memo to present to the Board in going forward that will explain this in greater detail. Years ago through case law, now has been codified through regulations for certain types of daycare operations because of the acute need for care for children, it has affected the public policy bias in favor of these types of facilities. The community basically ends up being to host these types of facilities, the Board can regulate the site plan but the underlying use itself is basically a hands off. The Board is very much concentrating on the site plan. This is why the Board is concentrating so much on the site plan as opposed to the facility.

Consultant Wilson said the Board can regulate the site plan, the State preempts business operation of the daycare. He will comment on the screening, landscaping, lighting at the next meeting. Rodney Morrison, P.E., Town Engineer, is to review the site plan relative to drainage, etc. Consultant Wilson will have detailed comments on the site plan at the next meeting.

Attorney Mackey questioned if the Board would entertain scheduling a public hearing next month? Consultant Wilson stated that the application is still premature, he will submit his comments on the site plan to the Board at the next meeting.

Applicant is to return to the November meeting.

David Magid, YSG Solar, New York City, Westbury, L.I., and Buffalo, New York and Cary Institute of Ecosystem Studies Manager, appeared before the board for a pre application discussion on solar installation for the Institute. David related he is an approved solar installer with YSG New York based company in the area, has been working with the Cary Institute, exploring the opportunity of installing a solar facility. The two objectives that they are reviewing are the environmental aspects of clean energy being able to reduce the carbon footprint, the second aspect is to be able to reduce electrical expenditures with a solar project.

David presented one copy of a large color parcel access map of the property, said in his discussions with Cary Institute he first identified the location specifically on the parcel, if the solar system can possibly be installed. They are working very closely with Central Hudson, have had discussions with them, completed studies on the electrical lines to determine if any upgrades need to be completed. Said, this is one of the few sites that he has ever seen that no upgrades need to be completed because it works very well accommodating a solar system. Central Hudson provided an approval for the project allowing completely with no upgrades cost on units which they were pretty impressed about in getting this completed. The parcel in consideration for the solar project is a vacant parcel of about 30.4 acres.

Board member Jorgensen questioned if the energy is for use of the Cary Institute? Yes, it is exclusively for the Cary Institute campus. Next questioned if they are proposing to sell energy? No, all energy being generated is being used onsite for housing and the main campus. Board member Jorgensen questioned how they get the energy back to the campus? David pointed out a feeder of Central Hudson lines, another meter would be installed, all of the electricity would go back to that meter, then credit all of Cary Institute's accounts. Board member Hanson questioned if the solar system would be visible from the road? David said he doesn't think so, they would like to have the proper screening on it, from a preliminary drawing said the system is approximately 100 ft. from the property line, 100 ft. from the road. There would be a natural screening between the system and the road.

The solar facility would take approximately four (4) acres of solar panels to be able to provide enough power to satisfy Cary Institute needs. There is no battery storage, however, they are constantly exploring this. When there is no sun out they would be taking the electricity from Central Hudson, would still be connected to the grid, during the summer months when there is excess energy from the solar panels would accumulate a credit that they would use in the winter months from the solar panels, they would never have interrupted power. The electricity would go back into the grid from a separate meter, would credit all of the Cary Institute accounts.

Board member Jorgensen questioned if Central Hudson has to take the energy back that they offer? They have a Value Stack Program that they release, are obligated to take the amount of energy that is sent back as long as it doesn't exceed over one hundred percent of the consumption onsite. Board member Jorgensen questioned if this means that Cary Institute can bring their bill down to zero but not sell any excess back? David said this is exactly how this works, the objective is to be able to have that economic savings, at the same time have that clean energy inline with the division goal of the environmental aspects of it. Board member Jorgensen questioned about cloudy days in winter Cary Institute will become a net consumer from Central Hudson again? Yes, they will be a consumer of Central Hudson but in the summer months will have excess which will go to Central Hudson that will build in what is called an energy bank credit, that credit will be used in the winter when the panels may be covered with snow, it will balance itself out over a year.

Board member Jorgensen remarked that Central Hudson tells Cary Institute the size of the field that's appropriate based on the historical usage of the property. David said he reviewed several electrical accounts, multiple accounts, looked at each account and chartered out the energy for each month and was able to develop exactly how many solar panels Cary Institute would need, then provide that information to Central Hudson so that they can approve it, reviewed with their engineers, provide YSG with the necessary approval to be able to connect to their grid. Cary Institute superintendent said they did receive preapproval from Central Hudson.

Board member Cornell questioned what percentage of electricity needs are addressed with solar on an annual basis? David said they are looking to cover 100% of the usage with solar. Board member Cornell questioned about fencing around the facility? This is something that YSG proposed for safety purposes. Board member Jorgensen questioned who sets the safety standards? David said New York State has excellent guidelines for solar development projects. New York State is a suggestion, also has an incentive program where they actually provide incentives to projects, by accepting their incentive, it will require you to do a certain amount of review and the project will be overseen to make sure it meets their standard. This is how they are able to review

the project to make sure its functioning properly, provide the amount of energy that is designed to, and the technical aspects of the solar system.

Board member Jorgensen questioned how long the solar panels last? The panels have a twenty five year guarantee on them, typically have a life span of thirty years. Board member Jorgensen remarked that YSG would clear cut out the growth and create the area for the solar panels. David said the total area including the area that is cleared is including the fencing is about four to four and one half acres. Board member Cornell remarked that there is one spot that is exposed on the road. YSG hopes to screen the project. The proposed facility will take care of the whole Cary Institute campus, include all residences.

Board member Jorgensen questioned if some kind of substation or construction by Central Hudson is needed, a service line? David said a service line with another meter, with this solar system does not have to cross the road because Central Hudson has a program called Remote Net Meter. YSG will install a new meter that is on the same side of the road as the solar facility, all of the electricity will go backwards, that meter will keep track of how much energy is going back. Central Hudson will credit that to all the meters across the road, YSG doesn't physically need to run wires across the road. Board member Jorgensen remarked that they are sending electricity to Central Hudson who is crediting them for that electricity. David responded, exactly, Central Hudson is giving them a credit, YSG applies all those credits to all of the meters they have.

Board member Jorgensen remarked when he asked if the project was supplying the facility, they are not physically supplying it, they are generating a credit to the benefit of the facility; the electricity is being supplied to Central Hudson. Board member Shequine questioned if its fair to say Cary Institute is buying electricity at less cost, are buying electricity cheap? Their goal is to save money. Board member Cornell questioned what they normally pay per kilowatt hour? It's a variable rate, averaging nine or ten cents. Next questioned the cost of generating power from solar without subsidies? David said if there is no incentive to do it it would be closer to nine cents, would still be reduced as compared, because the cost of the equipment has come down significantly,

David Magid stated that most of their installations has been on a lot of rooftop structures. Board member Jorgensen remarked that a rooftop is different because a rooftop is being consumed by the property. David said he still considers this an onsite distributor generator, they have a few other facilities that have the solar systems actually connected on film where its industrial warehouse based and the solar panels are connected directly there and be able to provide electricity, also have other facilities in completely vacant

land, all the electricity is being exported. This project in his opinion is called an onsite facility.

Page 8

Board member Hanson questioned what projects SYG Solar has completed? The closest projects have been in Long Island, in the Riverhead area completed a ground mount structure. SYO has been established for about ten years. Board member Cornell questioned where the solar panels are manufactured? China? All the solar panels are from credible entities, when it comes to the actual manufacturing of the equipment, most, coming to the US is USG manufacturing, a company based in Oregon, a solar system of this size Genko or a similar company who works more in commercial towns, so would be imported solar product. David said SYG Solar is working further upstate, mostly in the Rochester region, also have a few projects in Orange County,

Board member Hanson questioned what effect this application would have on Town Solar considerations? Councilman DeBonis spoke to the Town Board enacting a Temporary Moratorium for the Town of Washington on ground based installations until it can come up with permanent regulations. Said, it is not anticipated to be for more than six months. The Town Board is to discuss this subject at the October 12th meeting. Councilman DeBonis questioned David Magid about his anticipated time frame? David said they are thinking about the length of the project with the incentive program, weather permitting, would likely be an August '18 installation.

Board member Jorgensen requested David Magid to provide the Board with information on the net metering notion, understands they have brochures for the layman to describe what they are doing and how it differs from a rooftop installation that supplies a house whereas SYG is not supplying Cary Institute but is generating a credit for them. Also, some type of Guide Book, the more he can provide the Board would like to learn. David questioned whether the Board would like this information emailed or formally submitted? Consultant Wilson said some of the information that the Board is looking for about net metering can be emailed to secretary Caul who can forward to the Board.

Consultant Wilson spoke to SEQRA requirements, SYG will need to provide the Board with a full topographic and boundary survey of the site, laying out where the equipment is being located. Said, its an unmanned facility but noone really wants to see these, each analysis is going to be very critical, they are going to be clearing most of the trees right up to the line of trees along the Turnpike, there is a neighbor to the east. David expressed

that this is flexible, is a very preliminary description of the installation, questioned who is the identified Lead Agency for SEQRA? Consultant Wilson spoke to the Planning Board as Lead Agency, SYG will need to submit an application before the Board can start the process. The formal process is placing a formal application before the Board, the Board circulates to other involved agencies, waits thirty days or receives a letter from the other agencies within that thirty days. At that point has a designated Lead

Agency, but the Board cannot start without having an application to start that process. David cannot just presume that the Planning Board will be the Lead Agency.

Page 9

David spoke to the upcoming moratorium, questioned what the best approach would be to the steps that they need, they are okay with the time frame one hundred percent, they need to be able to get a letter that the Planning Board is the Lead Agency which is the most important item for them.

Consultant Wilson referred to the SYG August '18 time frame, is David talking getting into the ground in August? Yes, getting into the ground in August '18. It takes about two months for the installation, then post installation. Consultant Wilson spoke to a six month moratorium, doesn't know how the moratorium is being drafted, typically moratoriums prevent any processing of an application unless there is a waiver.

Consultant Wilson said he is assuming, he hasn't seen the language, that the Board would be barred from processing their application. During that term of the moratorium even if the application were started today, if it runs six months, would be April '18, then the Board would need a couple of months to restart that application process. Said, he is not confident that the facility will be in the ground by August. David said he is flexible with the time frame. It would be nice to have the installation in the ground in the summertime, being able to generate less power but he wants to make sure he accommodates everyone, that we are working together to make this happen as soon as possible.

David spoke to the incentive that the State funds which enables to provide the cost and benefit that it carries, one of their requirements is that they have documentation of identifying whether it's the County or the Town who is the Lead Agency. Consultant Wilson remarked that they do not need Planning Board Final Approval. They do not. Consultant Wilson said then he anticipates they can certainly obtain that within that time frame. David said their concern is if they waited that the incentives would be adjusted, there is a funding from, almost like an auction on line, where there are claimants for the funding, is constantly decreasing, one of the items that they need to finalize the incentive so its fully secured, are not in a time crunch, is to be able to identify the Lead Agency for SEQRA.

Councilman Michael Murphy spoke to the six months Town Moratorium, Thursday, October 12th is the Town Board Meeting, would talk with the Town Attorney and be brought before the Board, would be acceptance of the document, the provision of accepting the document is subject to a Public Hearing which would occur between November and the 2nd Thursday in December at which time the Town Board can actually hold the Public Hearing the night of that Town Board meeting, vote on accepting the Moratorium at that time, are talking November possible acceptance of the Moratorium which would then start the clock. Councilman DeBonis questioned if the Lead Agency determination can be done in advance of the Moratorium? Consultant Wilson said

only if SYG gives the Planning Board an application that meets the standards. David Magid said he can put that together for the November 7th meeting, he already has

Page 10

the topographic materials already prepared, can get the stamped drawings. Consultant Wilson related that if David can get all of that together plus whatever fees are due, the Board can start that process. Councilman DeBonis said that process would be halted during the Moratorium. Consultant Wilson said the problem SYG is going to have is the timing of the Public Hearing, the date of adoption, the Planning Board may still be in that thirty day process for selection of Lead Agency, the Moratorium would halt that. He is not sure they are going to make the time line.

Applicant questioned if he is able to compile all the documents by November 7th? Consultant Wilson said if the Town Board extends the Public Hearing date based on comments being made, the adoption date is the unknown if its pushed into December. Councilman DeBonis remarked that they are hoping for November. Councilman Murphy said the town attorney thought a six months moratorium rather than ninety days was the best, to make sure everything that is needed to be done in a set amount of time, The Town Board may come to a conclusion prior to six months, all of the fact finding is done, brought before the Town Board for a Local Law, and adjustments to the Zoning and Planning. Right now it's a six months moratorium.

Applicant questioned consultant Wilson if there is anything in addition to the stamped drawings, the application, the appropriate fees, required? Consultant Wilson said EAF Part I and any other information that he thinks will be helpful to the Board.

Board member Cornell questioned if at the end of six months he doesn't make a claim on these subsidies the project doesn't fly? What is the risk to this project if the Lead Agency is delayed for six months?

Councilman DeBonis asked for any information on a model solar law that towns have developed that the Town Board can act upon for a quicker law enactment.

Board member Jorgensen referred to the Town of Goshen project that had a moratorium. Their moratorium has now expired, they have good laws enacted. Board member Jorgensen asked for what Goshen initially proposed, his comments, the end result, this would be very useful to the Board.

Board member Cornell remarked that Cary Institute of Ecosystem Studies is held in high regard, is a very important institution in this community and will do whatever they can to support it.

There being no further discussion, comments, business, a motion to adjourn the meeting

was made by board member Hanson, seconded by board member Jorgensen. The meeting was adjourned at 8:56 P.M.

Respectfully submitted, Nikki Caul

Page 11

