

**Minutes**  
**Warrensburg Planning Board**  
**April 6, 2021**

**Board Members Present:** Sharon Sutphin, Susan Hull, Suzanne Tyler, Sandi Parisi, John Franchini

**Others Present:** Patti Corlew (Zoning Administrator), Dani Oliver, Attorney Mark Schachner (via telephone).

Meeting Commenced at 7:00 p.m.

Mrs. Sutphin - Today is April 6, 2021. It's 7:03 p.m. I'm going to call the Town of Warrensburg Planning Board meeting to order. We do have a quorum this evening. First on the agenda is approval of the previous meeting's minutes of March 2, 2021. Has everyone had the opportunity to review them?

Mrs. Hull - Yes.

Mr. Franchini - Yes.

Mrs. Sutphin - I'll make the motion.

Mrs. Hull - I'll second it.

Mrs. Sutphin - All in favor. Aye.

Mrs. Hull - Aye.

Mr. Franchini - Aye.

Mrs. Tyler - Aye.

Mrs. Parisi - Aye.

Mrs. Sutphin - Opposed? Abstained?

**RESOLUTION #2021-7**

**RESOLVED,** to approve the Planning Board minutes of March 2, 2021 (without correction).

**DULY ADOPTED ON THIS 6<sup>TH</sup> DAY OF APRIL, 2021 BY THE FOLLOWING**

**VOTE:**

Ayes: Sharon Sutphin, Susan Hull, Suzanne Tyler, Sandi Parisi, John Franchini

Nays: None

Mrs. Sutphin - Okay, before we proceed to site plan review, first of all, the, the applicant has asked for the matter to be tabled. So we will not be doing anything on this application tonight. We are going to open the public hearing and we're

going to keep it open. If you want to speak, you can call in and speak or ya know, do your comments. If you want to wait until our next meeting, which will be May 4<sup>th</sup>, I believe, you can call in and comment then. Hopefully everything will be where the applicant can be here and answer questions. Okay, just so everyone knows... I just want to give a couple of points here. The purpose of this Board is to review this project only for this property. We consider. We can only consider the issues that are under the site plan review criteria. We'll hold the public meeting so you can state your comments and we will listen to them, but we can only address the comments that pertain to the application. The lease has been approved by the Town Board by resolution at their meeting in June 2020 by a unanimous vote. Also, I have another... I have a disclosure. I wanted to inform everyone that (inaudible) email from Linda Marcella that was addressed to a Town Planning Board member and copied to all other members containing a conversation between the board member and herself in regards to the origination of the acquisition of the Hackensack parcel, along with information on parkland alienation and conservation. This is not an issue under site plan review. There were also inquiries as to the application and suggestions on agencies that may or may not get involved. Are there any other disclosures that we need to name?

Mrs. Parisi - I believe... The property in question... New York State law states...

Mrs. Sutphin - Okay, we're talking about disclosures from contacts that may have come, people that may have tried to contact you or anything?

Mrs. Parisi - Someone sent me information saying that New York State law (inaudible) states that the town may not sell or lease property that is a park...

Mrs. Sutphin - That... I do not believe that is our concern. That is for them; not us. We're only to review the plan, the site plan, and that's all we can do. Anything else is not what we're supposed to do. Okay?

Mr. Franchini - Sharon, when you saw on them, who are you referring to?

Mrs. Sutphin - The ones who signed the lease, the town or whatever. It's not... It's not our, it's not what we're supposed to be doing. All we do is review the plan. If we go back to the statement I made, it's to review the project for this property. To review the project for the property only. It's not to go into the legalities of the project or anything else. It's to review the project.

Mrs. Parisi - (Inaudible) comprehensive plan?

Mrs. Sutphin - You can look at the comprehensive plan.

Mrs. Parisi - (Inaudible).

Mrs. Sutphin - Okay, but we're...

Mrs. Parisi - That's why I'm asking.

Mrs. Sutphin - Yeah.

Mrs. Parisi - That's why I'm asking.

Mrs. Sutphin - Yeah. Yeah. We, we're not allowed to interpret that, the law or anything, but we have to (inaudible) by what we have in front of us. This is what we have. We is what we have to look at. What's in front of us.

Mrs. Parisi - Okay.

Mrs. Sutphin - And it's, sometimes it's difficult, but that's what we gotta do. Okay, so...

Mrs. Oliver - They ask that the attorney be present at the next meeting.

Mrs. Sutphin - We can ask the attorney to be present.

Mrs. Corlew - He's on speaker.

Mrs. Sutphin - He's on speaker (inaudible).

Mrs. Corlew - I don't know if he's available.

Mrs. Sutphin - Yeah. I think he may be. He spoke about it earlier. Mark, are you available for the next meeting?

Mr. Schachner - Are we talking about Tuesday night, May 4<sup>th</sup>, I blocked it off.

Mrs. Sutphin - Okay. Thank you. Okay. Cipriani... Cipriano Energy is not going to be here tonight, so what we're going to do is open the public hearing for this and if you want, if anybody wants to make their comments, they're welcome to do that tonight. If they don't want to do it tonight and they want to wait until the next meeting, that's fine too. But if the public wants to comment, let's, ya know, let's hear from you.

Mrs. Hull - Is there a time limit?

Mrs. Sutphin - There's going to be a three minute time limit for each person that wants to comment.

(Tape inaudible).

Mrs. Oliver - I have comments. One comment is, that says the lease was approved by the Town Board tentatively, pending approvals.

Mrs. Sutphin - The lease... Can you hear that, Mark?

Mrs. Oliver - It says the lease was approved by the Town Board last year tentatively, pending approvals.

Mrs. Schachner - (Inaudible).

Mrs. Sutphin - Yeah. The lease was approved by the Town Board last year tentatively, pending approval.

Mr. Schachner - Can I make a comment?

Mrs. Sutphin - Yes, please.

Mrs. Schachner - Two comments actually. The first one is that I hope people in the public understand that while the public hearing's being opened, that you can speak if you want. It's just that the board is not doing anything on this, this evening. You might want to consider waiting until next month. Especially because maybe next month we will be able to be live at Town Hall which would then make it easier on everybody. And the second thing I want to say is let's remember that a public hearing is an opportunity to any members of the public to make whatever comments they wish. You're not obligated to... The comment can be a question, but there's no obligation to answer the question. And I'm concerned that for example, a question about the lease has nothing to do with the Planning Board site plan review whatsoever. So I would suggest that we not get (Inaudible) and try to answer questions, especially if they're not relevant to the site plan review itself, which...

(Tape inaudible).

Mrs. Hull - Thank you.

Mrs. Sutphin - Thank you, Mark.

Mrs. Parisi - (Inaudible).

Mrs. Oliver - How does someone call in?

Mrs. Sutphin - Pardon?

Mrs. Oliver - Someone would like to know how do they call in?

Mrs. Corlew - 623-9214, but the phone's busy. We've got our attorney on the phone.

Mrs. Oliver - The attorney's on the phone right now.

Mrs. Corlew - They can call... They can call 623-3300.

Mrs. Oliver - 623...

(Tape inaudible).

Mr. Schachner - ...phone line open?

Mrs. Parisi - She gave them another phone number.

Mrs. Sutphin - Yeah, she gave 'em another, a different number.

Mr. Schachner - Okay.

Mrs. Oliver - 623...

Mrs. Corlew - ...3300.

Mrs. Oliver - 3300. Are you going to read into the record any of the letters submitted by the public?

Mrs. Sutphin - No. No, we're not going to read them. We're going to have... Copies are going to go home with the board members today so that they will have time to read them.

Mrs. Corlew - I'm sorry... (Mrs. Corlew went to answer the telephone).

Mrs. Sutphin - That dreaded answering machine.

Mr. Schachner - All the letters will become part of the public record and I'm sure the board members will read them but there's no requirement to read them aloud.

Mrs. Sutphin - We're not. There's too many.

Mrs. Oliver - How many letters have you received?

Mrs. Sutphin - That's what I'm going to ask her. At last count, there were, I believe there were 14.

Mrs. Hull - Mark can call me on my cell phone and we can, we can use... (Inaudible). She can keep that line open. If that makes sense.

Mrs. Sutphin - Well, let's see how, what she says when she comes back. (Inaudible) technical difficulties here.

(Tape inaudible).

Mrs. Sutphin - The meeting's a lot more quiet than I anticipated.

(Tape inaudible).

Mrs. Oliver - Will you go to the proposed site to see the flagged area marked by the applicant?

Mrs. Hull - I have been.

Unknown Speaker - I have been, yeah.

Mrs. Sutphin - I have been too.

Unknown Speaker - We can't go as a board otherwise it's a meeting. But you can go on your own.

Mrs. Tyler - So the answer is yes.

(Tape inaudible).

Mrs. Corlew - It's Janet Curry. She wants to speak.

(Inaudible). Phone ringing. Hi, is this Janet? Something's not working.

Mrs. Sutphin - Okay. How about if we have Mark call one of our cell phones and put him on speaker phone on our cell phone.

Mrs. Corlew - That's fine but I don't even know if our phone will work.

Mrs. Sutphin - We'll try it one more time.

Mrs. Corlew - Hello? Hi. The machine keeps coming on. So... Yes, it's 623-9214. 9214. Okay, just wait one minute.

Mrs. Sutphin - Can you call my cell phone.

Mr. Schachner - (Inaudible) number, sure.

(Tape inaudible).

Mrs. Sutphin - Okay, the number is 361...

(Tape inaudible).

Mrs. Tyler - Alright, Dani's got a question.

Mrs. Oliver - Has any other properties been explored as potential sites?

(Tape inaudible).

Mr. Schachner - I'll call right now.

Mrs. Sutphin - Thank you. I'm sorry.

Mrs. Tyler - The question was, have any additional properties been explored? I think the only...

(Tape inaudible).

Mrs. Oliver - Is there any plan or proposed plan to postpone this decision?

Mrs. Tyler - It'll be tabled until next month.

(Tape inaudible).

Mrs. Oliver - Is this project inside the hamlet?

Mrs. Corlew - I'll answer that. Just the entrance to the site, but the panels are actually outside of the hamlet.

(Tape inaudible).

Mrs. Supthin - ...hopefully you can hear everything. We've had several questions. She...? Was she able to call back?

(Inaudible) couple of minutes.

Mrs. Corlew - I don't know. She might be frustrated. I know I am.

(Tape inaudible).

Mrs. Hull - Are there more questions (inaudible)?

Mrs. Sutphin - Yeah, are there any more questions?

Mrs. Oliver - If the panels are outside hamlet, would this fall under APA jurisdiction.

Mrs. Corlew - Yes, it does and the applicant is aware that they have to apply there. Hi, Janet. Hi. I'm going to put you on speaker phone. Okay. You're all set.

Mrs. Curry - Okay, thanks. Good evening. (Inaudible) open (inaudible) public and sorry that we can't be right there, ya know, with you. (Inaudible). We live at 51 Hudson Street and so the impact of anything (inaudible) Hackensack is greater for us (inaudible) where we live. And in addition to that, ya know, we really value the, the open land park space that's there, the hiking that's there. So although we love the idea of solar panels, we were wondering if they could be located up where, in town, ya know (inaudible) Industrial Park, something like that, where (inaudible) visual impact wouldn't be so great and where trees weren't being taken down (inaudible) character of the historic part of the village and also the Adirondack Park. So that's all I have to say. We're not against solar; we're just against solar there.

Mrs. Sutphin - Okay. Thank you for your comment.

Mrs. Curry - Okay?

Mrs. Sutphin - Hm hm.

Mrs. Curry - Alright, then thanks.

Mrs. Sutphin - Thank you.

Mrs. Curry - Okay, bye bye.

Mrs. Sutphin - Do we have any more questions?

Mrs. Oliver - Has the review period been started for this applicant?

(Tape inaudible).

Mrs. Sutphin - What do they mean by review?

(Tape inaudible).

Mrs. Oliver - Clarify your question.

Mrs. Tyler - I think Patti had said earlier that, that the applicant knows that they have to go through the APA process and they're aware of it and that's their responsibility.

Mrs. Corlew - It's probably their next step.

Mrs. Tyler - Yeah.

Mrs. Sutphin - That's not for us to deal with (inaudible).

Mrs. Parisi - (Inaudible) with that location. So that's kind of our...

Mrs. Sutphin - Right.

Mrs. Sutphin - (inaudible) people to understand that.

Mrs. Sutphin - Yeah.

(Tape inaudible).

Mrs. Oliver - Is the time clock running on this application? Is there a risk of approval by default if the decision is not made until next meeting?

Mrs. Sutphin - No. There's no risk.

Unknown speaker - Especially if they're the ones who cancelled.

Mrs. Sutphin - Yeah, they cancelled. They asked for a postponement.

Mrs. Corlew - The Planning Board has to deem the project, the application complete and they haven't yet, so the time clock has not started.

Mrs. Sutphin - It's 62 days once, once the application is complete, to vote.

Mr. Schachner - No actually you have 62 from close of public hearing.

Mrs. Sutphin - Close of public hearing, okay. I stand corrected on that point.

(Tape inaudible).

Mrs. Sutphin - The public hearing is going to remain open. We're not closing it.

Mrs. Tyler - No more questions?

Mrs. Oliver (Inaudible). When does the public hearing close?

Mrs. Sutphin - It'll probably close, I would.. Well, it depends. It will probably close at the next meeting, at the end of the next meeting.

Mr. Schachner - Let's not stick out necks out. We have no idea when it's going to close.

Mrs. Sutphin - Yeah. It depends. We don't know for sure. We don't know. It will be open..

Mrs. Corlew - At least until next month.

Mrs. Sutphin - ...at least until another month. Yeah, at least.

Mrs. Oliver - Has any considerations been given as to the logging and construction it will take. This area is residential and we don't need this on narrow (inaudible) street.

Mrs. Tyler - We can't answer that. There's a section on the environmental assessment statement that..

Mrs. Sutphin - We can't answer that question.

Mrs. Tyler - That's for them to answer.

Mrs. Sutphin - 'Cause we (inaudible).

Mrs. Tyler - It is something (inaudible) application.

(Tape inaudible).

Mrs. Sutphin - Let's give them another few minutes, just in case someone wants to call in or something. But then I'm going to say, yeah, then we're going to move on and just leave the public hearing open.

Mrs. Tyler - Any more questions?

Mrs. Oliver - Not as of yet. After the lease runs out and the life span of the solar panel runs out, who will remove the panels. Is this the responsibility of the town? The life span of a panel is very low.

Mr. Schachner - Don't try to answer questions, Sharon.

Mrs. Sutphin - I'm not. I'm not. I mean, that's going to be in a presentation. That will be a question to ask at the presentation. We don't know the answer to that.

Mrs. Tyler - That is a question that we will ask.

Mrs. Corlew - Yeah, (inaudible).

Mrs. Sutphin - That was on our list, yep.

Mrs. Oliver - Who will address the fact that the land in question is park land and it is illegal for a municipality to sell, lease or convey without New York State Legislative or governor approval.

Mrs. Sutphin - Mark, did you hear that question?

Mr. Schachner - I think.. I'm sorry that I'm not coming through clearly enough, public comment, public hearing is for public comments and public comments to be a question. There is no obligation to answer the questions and the questions so far,

some of them have had to do with the site plan review application. That one doesn't. So it's not really a question (inaudible) planning board review issue.

Mrs. Sutphin - Two more minutes, if anybody wants to get a question in or a comment. No questions?

Mrs. Oliver - As a Town Board member, having visited the site and seeing the flagging of the proposed fence line, the project ##### that would be eliminated (inaudible) fence enclosure. It's just a comment.

Mrs. Sutphin - Oh, it's not a question. Sorry. Okay, as a Town Board member, having visited the site and seeing the (inaudible), this project has been (inaudible). I would be happy to tour the prospect site, proposed site with any board members interested in seeing the trails that would be eliminated inside (inaudible).

Mrs. Sutphin - Who was that?

Mrs. Oliver - Matt Sprow.

Mrs. Corlew - Sprow.

Unknown Speaker - It's a board member?  
(Tape inaudible).

Mrs. Oliver - ...cause I don't have a name.

Mr. Schachner - You're having commenters identify themselves, right?

Mrs. Corlew - Yeah, they're supposed to identify themselves.

Mrs. Oliver - They all have a name except for that one.

Mrs. Sutphin - (Inaudible) Town Board member (inaudible) was misrepresentation. So we don't even know if it's a town board member.

Mr. Schachner - (Inaudible) make sure (inaudible) they identify themselves.

Mrs. Oliver - Bryan Rounds.

Mrs. Sutphin - Bryan Rounds.

Mr. Schachner - He's a town board member.

Mrs. Oliver - Consideration should be given to the fact that the solar panels will eliminate trails that are kid/toddler friendly, for families and those with disabilities.

Mr. Schachner - Thank you for your comment. That's a good comment.

Mrs. Oliver - How much setback will there be from neighboring properties?

Mrs. Sutphin - (Inaudible) presentation (inaudible). That's a next month question. Do you have any other comments or questions?

Mrs. Oliver - Bryan Rounds indicated that they have a group of 11 people watching the people together and asking questions together.

Mrs. Sutphin - Okay.

Mrs. Oliver - Is there somewhere people can wire in with questions and comments after the meeting?

Mrs. Sutphin - You can send them to Patti. You can send them in writing to the Town Hall.

Mrs. Hull - Signed letters.

(Tape inaudible).

Mrs. Sutphin - You can leave them in the drop box.

(Tape inaudible).

Mrs. Oliver - Many are unaware of this public meeting. How long do we have to voice opinion (inaudible) email.

(Tape inaudible).

Mrs. Sutphin - the next meeting, May 4<sup>th</sup>. The public meeting was advertised. It was on the front page of the paper, so.

Mrs. Hull - On public media, on signs.

Mrs. Sutphin - Yep.

Mrs. Oliver - I have yet to find any town resident who are in support of this project.

Mrs. Sutphin - Okay.

Mrs. Corlew - Who said that?

Mrs. Oliver - Bryan Rounds.

XXXXXXXXXXXXX (Tape inaudible).

Mrs. Oliver - This should be put to a public vote.

Mrs. Sutphin - Who said that?

Mrs. Oliver - Kelly Keith. Are any new trails going to be (inaudible).

Mrs. Sutphin - Yes, they're going to reroute trails, but that's going to be part of the presentation. These questions, those questions need to be asked and answered next month when the applicant is here and can answer them.

Mrs. Oliver - When were you advised that the developer was cancelling. You may have saved everyone's time if it was put on the web page meeting link.

Mrs. Sutphin - Well, well...

Mrs. Corlew - I found out at six thirty... 6:40 maybe?

Mrs. Sutphin - Yeah.

Mrs. Corlew - When I got here.

Mrs. Sutphin - And didn't he put it right on there?

Mrs. Corlew - Put it right on where? Oh yeah.

Mrs. Sutphin - Okay.

Mrs. Oliver - The developer put it on the live chat.

Mrs. Sutphin - Okay. A couple minutes before that is when we found out. Otherwise, we could all have been home.

Mrs. Corlew - Yeah, I would've loved..

Mrs. Sutphin - Yeah.

(Tape inaudible).

Mrs. Oliver - There are 38 people watching this. Everyone should send a letter to the Planning Board.

Mrs. Sutphin - Okay.

Mrs. Oliver - Bryan Rounds.

Mrs. Sutphin - I'm not sure I understand why he's so against it and voted for it, the lease. If that's talking out of turn, sorry, but I don't understand that.

Mrs. Oliver - An avenue to consider is the current non-functional panels on town property. Rehab those areas.

Mrs. Sutphin - Who said that?

Mrs. Oliver - Tobie Binder.

Mrs. Hull - That's not our issue.

Mrs. Sutphin - No. Yeah. We're not... That's not part of our plan.

(Tape inaudible).

Mrs. Oliver - Chris Stroud said in the chat box that he emailed Patti earlier today. I am confused.

Mrs. Corlew - If he emailed me after hours, I wasn't here.. I don't get my email at home (inaudible).

Mrs. Oliver - I voted for a tentative agreement to explore the project.

Mrs. Sutphin - That was Bryan. Any more comments or questions?

Mrs. Oliver - Not as of yet.

Mrs. Sutphin - Okay. Okay, we're going to move on.

Unknown Speaker - We need to make a motion.

Mrs. Parisi - ...table the public hearing.

Mrs. Sutphin - We're going to table the public hearing. It's going to be, remain open until the next meeting. We're going to stop taking questions tonight and comments tonight. So we're going to... Do we need to make a motion to do that, Mark?

Mr. Schachner - You do not.

Mrs. Sutphin - Okay. Alright. So we have any additional communications or anything, Patti?

Mrs. Corlew - I have your Towns and Topics..

Mrs. Sutphin - Okay.

Mrs. Corlew - ...and the letters from the public regarding this project.

Mrs. Sutphin - Do any of the board members have any comments?

Mrs. Parisi - Just a question to Mark. Is the question as to the legality of selling the property, so that goes to the (inaudible) town board (inaudible).

Mr. Schachner - I only heard the beginning of the question. The end of the question (inaudible) town board.

Mrs. Sutphin - Okay. She asked the legality of selling the property. Do we go to the Town Board to look into that?

Mr. Schachner - Not you as a Planning Board, no, it's not a Planning Board issue.

Mrs. Parisi - No, I understand that. I'm just..

Mr. Schachner - If you want to ask the Town Board their opinion, you can do that, but it's not a Planning Board issue.

Mrs. Parisi - Right. I realize.

Mrs. Sutphin - It has nothing to do with the Planning Board.

Mrs. Parisi - I understand that. Okay.

Mrs. Sutphin - Is that it? Okay, that concludes our business. If there's no other comments, and I get a motion to adjourn.

Mrs. Hull - I'll make a motion that we adjourn.

Mrs. Parisi - Second.

Mrs. Sutphin - In favor. Aye.

Mr. Hull - Aye.

Mrs. Parisi - Aye.

Mrs. Tyler - Aye.

Mr. Franchini - Aye.

Mrs. Sutphin - Opposed? Abstained? Meeting is adjourned. Thank you, everybody.

Motion by Susan Hull, seconded by Sandi Parisi and carried to adjourn the Planning Board meeting of April 6, 2020 at 7:41 p.m.

Respectfully submitted,

Patti Corlew  
Recording Secretary

Pb04062021

