

**TOWN OF NEW BALTIMORE PLANNING BOARD**  
**Regular Monthly Meeting**  
**May 11, 2023**

The meeting was called to order at 7:10 pm. by Chair, Robert Van Etten, followed by the Pledge of Allegiance. Other Board Members in attendance were Ann Marie Vadney; Bob Court; Lee Salisbury; Frank Orlando, Michelle Stefanik and Ken Finke.

**Old Business**

**Eric Hoglund – Special Use Permit Application**

Required Public Hearing on the application was held just prior to the start of this meeting. Mr. Hoglund's authorized representative, James Gardner from Kasselmann Solar remained present. With no need for further discussion, resolution was presented as follows:

**WHEREAS**, pursuant to Chapter 111, Sub-Section 111-4, C (2)(b) of the Code of the Town of New Baltimore, Eric Hoglund, wishing to have installed a residential 9.48 kW ground mount solar array greater than 200 feet in length at his residence located at 72 Kliese Lane, had authorized agent from Kasselmann Solar, LLC submit his Special Use Permit Application at the April 13, 2023, Planning Board Meeting; and

**WHEREAS**, Short Environmental Assessment Form was reviewed with negative declaration issued; and

**WHEREAS**, corrected Short Environmental Assessment reflecting correct name and address was submitted and reviewed at the May 11 meeting with no change in negative declaration previously declared; and

**WHEREAS**, Public Hearing, having been duly noticed, was held on May 11 with members of the public offering no comment; it was

**RESOLVED**, that the Hoglund Special Use Permit Application be approved with no conditions.

**Moved** by Vadney and seconded by Finke to accept the resolution as presented approving the Hoglund Special Use Permit for the ground mount solar.

AYES: Van Etten; Vadney; Court; Salisbury; Orlando; Finke; Stefanik

NAYS: None      ABSTAINED: None      ABSENT: None

**New Business**

**Nicole Schaffer – Special Use Permit Application**

James Gardner from Kasselmann Solar remained present now representing Nicole Schaeffer. Ms. Schaeffer wishes to install a 14.22 kW roof mounted solar array on her home located at 71 Staco Road. Application, Short EAF, plans and application fee had been received prior to meeting. It was noted parcel is 2.63 acres, has no bearing on this application since this is for a roof mount.

Question raised as to what is put on roof to protect it. Mr. Gardner explained for the actual solar, we will penetrate through the roof... There is what is called an L-Foot, a piece of flashing with a hole in it. We will pre-drill into the rafters, a [word not understood] into the rafters, pull up the shingles a bit, slide the flashing

and then we will back the L-foot to that flashing so if it is disbursting anything and then it gets sealant around it to keep water away from the hole in the roof. We are putting holes in the roof.

Mr. Gardner was asked if they get customers with marginal roofs. Mr. Gardner responded that they do and that they have waivers. If it doesn't look good, we tell them that they should get the roof replaced. If they want to move forward anyway, we tell them we are advising you not to but since you are going to pay us, we are going to do it. We have site assessors that go up, take all sorts of measurements and check everything out. It was noted that solar is supposed to last, not as long as the roof is going to last so you want to get a new roof before you building anything solar usually. It was noted that that going under the shingles is aluminum. It is very light and pretty flexible, durable enough to be on the roof for 20 or 30 years. Question raised do you guarantee no leakage? Mr. Gardner advised that they have a workmanship warrantee so a leak would be us, having missed a hole. We did something wrong so we will get back out there and fix it. That is the only correct way to go.

Question was raised as to how long they had been in business and noted Kasselmann has been around for quite a long time.

Part 2 of the Short Environmental Assessment Form was gone through as follows:

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? - NO*
2. *Will the proposed action result in a change in the use or intensity of use of land? - NO*
3. *Will the proposed action impair the character or quality of the existing community? - NO*
4. *Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? - NO*
5. *Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? - NO*
6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? - NO*
7. *Will the proposed action impact existing:*
  - a. *public/private water supplies? - NO*
  - b. *public/private wastewater treatment utilities? - NO*
8. *Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? - NO*
9. *Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)? - NO*
10. *Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? - NO*
11. *Will the proposed action create a hazard to environmental resources or human health? - NO*

It was moved by Vadney and seconded by Orlando that a Negative Declaration for purpose of SEQR be declared for the Schaeffer roof top solar array.

Ayes: 7      Nays: 0      Abstained: 0      Absent: 0

It was moved by Court and seconded by Orlando that the Public Hearing on this application be waived since array size is slightly over what is allowed in current Code and well below allowable size in the future Code being drafted.

Ayes: 7      Nays: 0      Abstained: 0      Absent: 0

Formal approval resolution will be acted on at the June meeting.

**Eli Cayer**

Mr. Cayer advised the Board that they had purchased the property at the bottom of Route 51 and Route 9W where the Post Office is. They are looking to put a little tented parking lot for some of their trucks for their own use on the property. The company is Maine Standard, a grease collection company out of Portland, Maine, which collects grease from various restaurants, then brings it back to Maine where it is turned into fuel. They have purchased this land since they pick up as far away as Buffalo so this location is sort of in the middle.

The size of property was questioned, believed to be around two and a half acres. The Post Office is on this property, rents from Mr. Cayer. Question raised if it is 1.6 acres, how much of it will have gravel on it; response roughly 75 by 150 feet maximum. Mr. Cayer explained we would leave trucks there; and then when we have enough grease coming in, bring it back to Maine. We would have a tanker truck stop there and unload the grease from the other trucks into it. It was questioned if there would be trucks or storage bins. No storage bins. It would basically be just trucks, semi, but with a storage trailer on it. These would be picked up and taken to Maine when full.

Question was raised if they had purchased as one property with the Post Office on it and noted that it is one piece of property. We are looking to just put a small parking lot in the field. If there is enough space, we would love to subdivide it and break that off to kind of keep the post office separate. We don't have to do that. Mr. Cayer was advised that they don't normally do that since parcels have to be at least two acres. It was noted no structure, finished gravel and questioned are they tanker trucks. Further questioned will there be storage where it is put in barrels. Mr. Cayer advised no barrel storage, it is a bigger tanker truck, it comes to site in smaller tank trucks and shipped when the bigger tank is filled.

Question raised how high a fence and will it be a see through fence. Mr. Cayer responded it could be a wooden fence, a chain link fence. It depends on whatever the Town requires. They were thinking just a chain link fence. Question was raised regarding security. Mr. Cayer advised they could put up cameras. Mr. Finke questioned if they run south as well. He was trying to figure out the logistics of Buffalo and Maine and now you are coming 15 miles south in New York. When you go Buffalo to Maine, you can go right across I-90 and then up 495. Mr. Cayer advised that they are going down toward Connecticut, covering the whole region. The furthest west is Buffalo. They go south but not all the way to the City. We go as far as Kingston. We are already running down 9W.

Question was raised regarding the number of trucks that would be there; with response being probably two, maybe three at the most. One big truck and like a vacuum truck. Question asked if it would be like a minimum six-foot fence to stop people from getting in; response yes, whatever the Code is would be fine, a standard fence size. Question, are you going to have enough room to come in, back off of 9W. Further

question, if another entrance would be put in with response that they would off of 9W, keeping Post Office separate. It was pointed out that that would have to be addressed with DOT, keeping Post Office separate.

Question was raised if he is not constructing anything, why he needed to be before the Planning Board. Concern was expressed with regard to the look of three trucks sitting in the middle of the field on a graveled spot. Mr. Cayer commented it is basically the same as they are doing across the street with propane.

Discussion moved to safety concerns on 9W, it is a hidden turn from the right if pulling a tractor trailer in there or if you are stopped from the south coming up. People fly up there and people have been killed up there. Mr. Cayer indicated that he had been looking at that earlier today.

Comment was raised with regard to cooking grease odor. Mr. Cayer responded that it does have an aroma. Summarizing, you don't plan on parking the tractor trailer there and then running smaller trucks for pick up, coming back, fill up the tank and then swap the trucks from Maine so there will always be a tractor trailer setting there. Mr. Cayer advised there will always be a truck there, yes. There won't always be a tanker there. Probably one tanker at a time, then a tractor trailer, maybe two tractor trailers depending and then the third would be like a vacuuming truck. That is actually the truck that goes to the restaurants and sucks it out.

Question was raised as to whether there was any leakage in the transfer from truck to truck NO leakage. It was noted this is the country; there could be animals and then there will be animals hit by cars. This is another reason for fencing it in. Question was raised regarding the gate. It will always be shut; then the electric gate slides out of the way when it needs to. Question raised if there will be lighting, activity there every night, will it disrupt the neighbors. Mr. Cayer responded that it is more of a daytime thing. There is a light at the post office. Mr. Orlando commented that he thought a cap should be put on the night-time hours; we would not want someone coming in there 11 p.m. at night. Tanker trucks are not quiet. There are houses right there.

The fence should be a kind that you cannot see though. Mr. Cayer advised they are open to doing whatever is best for the Town. Mr. Finke pointed out it will only be gravel so there will not be a stormwater issue. Mr. Cayer advised crushed stone/gravel. We will get someone to come in and do the survey, figure out where the setbacks were and grade it. Question raised if would be sharing the electric with the post office or bringing own poles down. Mr. Cayer responded probably pull it off the post office if we can. If we have to pull power, then we will look at that but try not to unless we have to.

Question was raised, as to whether there would be a shed. Mr. Cayer responded no plans for one now. Question was raised regarding other locations. Mr. Cayer responded that they have them in Maine; this is kind of going to be our model. For every 250 +/- miles, we will have to get another hub, find another lot. It was asked if the ones in Maine have building at all. Mr. Cayer responded that those are their production facilities so it is a large manufacturing facility where everything is unloaded, all the grease is turned into fuel.

Question was raised as to when they proposed to have this facility operational. Mr. Cayer responded they will probably pull the trigger on it now; it will probably be in the summer, whenever they can get someone to do it. Town resident Ellie Alfeld expressed concern if not a survey, neighbors will not know where this is coming in in relation to their property. She was advised that there has to be a site plan submitted. This is just for discussion to get information and to give Mr. Cayer information.

It was questioned whether he had spoken to DOT yet. Mr. Cayer has not yet. He had talked to Code Enforcement here. It was explained but he would not have any say over that. He did tell me to talk with the Planning Board.

There would probably be quite a large setback from 9W required. Will they be allowed to put fence right on the property lines. It was noted there is not a required setback. You just need to leave sufficient room on the other side of the fence so if you need to do repair, you can do so without going on the neighbor's property. It was noted the main neighbor of concern for the fence would be the one to the west. There is a little creek back there too which they would not be able to go passed.

Returning to the gate and trucks coming in, if the gate is not open, you have to stop. Questioned if enough room around the building. Mr. Cayer responded not around in the back. He looked at it today. It could possibly come in the driveway where the post office is, come down along the side and then pull in to a gated area. It was noted that would eliminate a lot of issues. Noting again the size 75 by 175, 75 by 150 roughly, it would be necessary to back the trailer in. The trailers are about 60 feet. Mr. Cayer advised once we have a better idea of where the bounds are we would propose that it be big enough to be able to turn the truck around. One of the biggest concerns is not to create a hazard.

Mr. Cayer was advised that the Board was not going to make him jump through a lot of hoops but that they would need to see a Site Plan. It was noted that the trailer that was behind the Post Office is no longer there which might allow for pulling in and then backing into the yard if the gate faced the Post office. By doing a Site Plan, the possibilities are visualized.

Mr. Cayer pointed out if this part of property could be broken off, then it would make more sense to come in off 9W. That would have meant another whole curb cut there. It was noted until he does the survey and know how far it is from the 9W to the back of the lot, buildable space based on the wetlands back there. Then you would have to figure all that out. Get an Engineer on Board.

Conversation turned to someone looked at the property with the thought of putting an apartment over the Post office. The roof was raised at one point in time. Mr. Cayer questioned if a possibility and was advised that would be up to the Code Enforcement Officer. It was further noted that it didn't sound like that was originally built to truly have a second floor.

Mr. Cayer will check with DOT. He can get a Site Plan Application from the Clerk. Lay out on the Site Plan what you can/plan to do on the Site it will make it better for everyone. Truck flows in and out, where you will put the gate so it is not near the neighbor's property line. It was noted that the road there was definitely a 55 mph zone there. Being able to pull right in and not wait for the gate would make the most sense. Site Plan application will be e-mailed to Mr. Cayer.

#### New Baltimore Solar Project

The Planning Board has received a 4/20/2023 response from NYSDOT to our lead agency letter. Copy will be sent to Crawford in due course as well a copy to the applicant.

It was noted that the gate at site entrance had been moved back, making the whole area wide open now. It was believed the new owner of the other property in the back had done that. It has been re-stoned and all.

Discussion was held on time table for moving forward with project discussion. As soon as signed contract is received back from the Engineer, the Board will forward to Engineer the most recent application packet received from applicant for review. Depending on time of return of signed contract, when packet gets to

Engineer and they can have initial first review to us, will determine when the applicant should be back before the Board. Needing to be taken into consideration is the Planning Board having sufficient time to review the Engineer's comments and a date when we can have the attorney present as well as engineer if felt both should be in attendance.

DRAFT