

TOWN OF GRANBY PLANNING BOARD

**Meeting Minutes**

May 7, 2024

A regular meeting of the Granby Planning Board was held at the Granby Town Hall, 820 County Route 8 Fulton; and was called to order at 7:00 pm by Chairman Jane Crego.

Meeting Attendance as follows:

David Crockford	Erin Palmitese
Jane Crego, Chairman	Carl Nysten,
Rhonda Nipper	Tom Anthony
Lori Blackburn	Lisa Somers, Clerk

Also Present: John Schumacher of VC Renewables, Travis Mitchell, Cheryl Anthony, Marlo Reinhardt, Joshua Arnold, and Attorney Jamie Lynn Sutphen.

**BUSINESS**

Marlo Reinhardt – Sketch Plan Conference

Ms. Reinhardt approached the Board members to explain intentions to purchase property along Ste Rt 48 known as MJ’s Bar and restaurant. Her and her husband are under contract to purchase and were referred to the Planning Board by the Codes Office to clarify the proposed use of the property and begin any approval process required. Ms. Reinhardt began explaining that the property is commercial and that they intend to renovate the space as a multiuse recreational facility. She stated that upstate NY has limited months of weather that allows for outdoor practice of sports like football, and this facility would provide year-round capability for practicing. The front half would be the same usage with a small bar although they were unsure of the process to obtain the liquor license. The Board replied that they have no authority for licensing and that they would need to apply with the NYS ABC Board. The Reinhardt’s commented that the bar use would be later on, initially they would have video games and other related activities for family use. The back of the building would need cleaning and remodeling with artificial turf for the sports use. The outside area would remain as an open-air venue, but requires extensive cleaning and renovation therefore that area would be addressed after the business is operational.

Chairman Crego responded that the property is commercially developed but not zoned commercial, and has been non-operational for more than a year. Unfortunately, nothing that has been proposed is an allowed use. The property is located in the R-1 zoning district, and as a previously operated commercial business has a pre-existing nonconforming status for the zoning district that it is located in. The Town’s Zoning Ordinance allows for nonconforming uses to continue as legal entities as long as no changes are made to the land or property usage. A one-year time frame has been used by the Codes Office for the consideration of abandonment, when the business use is non-operational, and after which the non-conforming status is removed. Some discussion ensued regarding the timeframe with input from property owner Joshua Arnold, who was told by the Planning board in February that he could operate the property as a bar and restaurant. Members of the Board explained that due to the extenuating circumstances being the untimely death of the previous business owner, the CEO had some flexibility in extending the one year to allow continuance of the non-conforming status. However, the proposed use is not a continuation of the historical usage and many months have passed by the one-year mark. Attorney Sutphen stated that the authority for interpretation of the land use does not lie within the duties of the planning board, but rather with the Codes Enforcement Officer. A written proposal of intended usage with specific details would be required to be submitted for his review and determination of whether it is an extension of the non-conforming status or be deemed as a new use. A Use Variance from the ZBA is an option the applicants can pursue but it is a difficult process and requires extensive proof to be granted, Attorney Sutphen suggested that they consult an attorney for that process. The Reinhardt’s stated that they would contact the CEO again as well as communicate with their attorney and Planning Board Attorney Sutphen.

Walmart – Sketch Plan/Initial meeting for an Expansion Project

Representatives from a technical service s group for Walmart approached the board to begin the Site Plan Review process for an expansion on the front face of the current Walmart located along State Rt 3. The project involves demolition of an existing 4,000 sf fenced area currently used for display of plants, kayaks and other seasonal items. The intended use is for an online grocery pick-up point which is currently located behind the Walmart. Board members commented on the inadequacy of the current location which has few parking spaces and inevitably leads to long lines parked within and along the access roadway that has potential to be a safety issue. The new area would

utilize 46 parking spaces that are wider than the existing parking spaces – with an overall loss of 12 spaces. Member Nylen asked what the space size is; 12'x20' which is closer to the required size – a variance was allowed for the original spacing to accommodate the slanted aiseways and accommodate larger vehicles common in the rural area such as trucks. The applicant explained that demolition would include the fencing, the concrete floor area, and any paved area down to stone. Regrading of concrete, and updates to the striping and signage would also occur. Member Pamitese asked if any additional lighting were planned for the parking spaces because the current area is not well lit. The applicant responded that a photometric plan had not yet been developed, but it would indicate whether new poles would be necessary. Member Blackburn was unsure as to the effectiveness of the chosen location because of the interruption and potential delay to incoming and outgoing auto traffic of people shopping inside the store. She also commented that the presence of another source point of foot traffic could be a safety issue. The applicant replied that the design is usually determined by the internal store location of the grocery area. The Board replied that the new location is at the opposite side of the store from the grocery area. Board members asked if there were other Walmart stores currently utilizing the same layout that could provide input for effectiveness versus any issues that developed because of the added point of foot traffic. Chairman Crego asked for specific data on estimates of increased foot traffic estimates. The applicant replied that they could gather any relevant data, and also clarified that the foot traffic would be of only store associates and not the public. The doorway would not be a public entrance/exit point. Chairman Crego asked about a SWPPP for the engineer to review, and the applicant replied that the area disturbed is less than an acre therefore not requiring the development of a SWPPP report,

The applicants discussed a second group that will be involved with the project that are scheduled for the June meeting that will specifically handle the repainting and re-signage plans for the Walmart structure. The Board was presented with a preliminary elevation view that had pops of blue with gray walls which were not favorable to the members. When the initial approvals for the Walmart construction began, the color scheme was a large discussion point with natural earthtones and natural materials being representative of the rural community of Granby. The Walmart was the first large commercial development in the newly formed CIT that would serve as a benchmark for future development aesthetics.

#### ELP Granby Solar II LLC – Preliminary Review

John Schumacher of VC Renewables and Travis Mitchell of EDP returned with some of the modifications the members had requested at the April meeting. They began with a quick overview of the project as a development of a 20 MW solar photovoltaic facility located between Merritt Road and County Rt 55, and south of Russell Road encompassing 136 acres of the 433 acres of original property. The project is classified as a Utility Scale Tier 3 Land Use which requires Site Plan Review and issuance of a Special Use Permit by the Planning Board. The project is situated on two properties with 20% coverage on the west side parcel and 31% coverage on the east side parcel. Discussion of requested items and new issues as follows:

- 1) *Landscaping* – The developer provided new visual simulation photos and updated landscape plan. He stated that they had increased the number of plantings considerably as well as increased the variety of plantings to provide increased visual buffering of the project. A digital presentation with varied coloring to represent the amount of buffering effectiveness was presented from perspective of existing condition, initial proposed condition and the updated condition. Chairman Crego counted the number of plantings added in the northwest corner of the project above the entrance road – 55 total does not seem sufficient. Member Nipper agreed stating that the buffer should block view of the panels completely, and within a few years not ten years. Chairman Crego also commented on the large gap under the fencing that doesn't seem to secure the site effectively. The developers replied that they allow a foot of clearance under the fence for small animals like rabbits to pass through. Chairman Crego suggested a berm be utilized to provide visual barrier with plantings along the top to add height to the overall plan. Member Anthony stated that the evergreens do not work, that they have been implemented on other developments in the Town and they don't grow fast enough, they get mowed over, they die and do not get replaced – essentially that there is no ongoing maintenance of the buffering plan. Members agree that the variety chosen does not work because deciduous plantings lose their leaves, they would like a buffer that remains green throughout the year. Member Anthony commented that there is a variety of arborvitae that is resistant to deer and grows quickly to a height of 15-feet or better. The developers agreed to rework the landscaping plan again with emphasis on blocking view of the residences that exist along both Merritt and Jacksonville Roads.

- 2) *Noise* – The developers stated that the requested noise comparison and distance analysis wasn't ready yet, they'll bring it to the June meeting.
  - 3) *Aesthetics* – Engineer Doug Miller commented that the project is large and the aesthetics are a big concern. He also commented that the setbacks from the existing residential structures are not tolerable for the magnitude of the project. Discussion ensued regarding the interior space that the project is situated around – the wetlands. Doug Miller stated that the DEC has made special provisions for solar development to encroach into the wetlands because of the minimally invasive nature of the panels and supports. He added that many surrounding communities have been able to minimize the impact on the neighborhoods through utilization of those techniques. The developers replied that if the area was controlled by the Army Corps there would be cooperation but the NYS DEC would not allow it. Mr. Miller stated that he would like the project to be presented to the DEC for redesign into wetland areas, and for the Board to receive documentation of the request and the DEC's determination. A digital walk-through simulation of the project and plans for buffering/landscaping will also be supplied.
  - 4) *Underground electrical* – The Engineer asked for consideration to redesign the electrical poles for interconnection to be underground which the developers explained that the utility dictated the current design. The developers agreed to request an underground design from National Grid and supply documentation to the Board.
  - 5) *Snowmobile Trail* – Member Anthony asked if the existing snowmobile trail would be impacted by development of the access road or fencing within the corridor. The developers stated that the road is gravel and at grade, and fencing runs across the corridor area.
  - 6) *CESIR & NYSERDA* – The Engineer asked for a copy of the completed agreement which the developer stated they had, but the final documentation study is not complete. Chairman Crego questioned whether NYSERDA approval had been received, which the developers replied that it's still in the works.
  - 7) *Survey* – Provided but not surveyor signed with seal.
  - 8) *Experience* – Member Nysten questioned the age of the company. The business started as a small entity and was purchased in its entirety in 2016 which added structure and financial backing. A single 20 MW system is active to date with several others approved and in the construction stages.
  - 9) *Compliance issues with the Zoning Ordinance & Regulations* – Possible subdivision required because only a single array allowed per lot. Rear yard setback dimensions not met for both properties involved – requiring either an area variance or redesign.
  - 10) *Road Preservation Law* – Chairman Crego stated that the Toan Board was concerned about impact to the local road -Merritt Road, and the need for conformance with the Road Preservation Law with the Highway department.
  - 11) *Agricultural Exemptions* – Member Nipper asked if concessions were made for the loss of farmland and the associated ag exemptions registered to the properties. The developer replied that they pay the 5- year roll back totals, any penalties or fees incurred, as well as any increase to future tax bills.
  - 12) *O & M* – The 24/7 monitoring is affixed to each individual panel to determine damages.
- Without further discussion, the developers stated that they would return in June with requested updates.

## MINUTES

A **motion** to approve meeting minutes for April 2, 2024 with minor correction was **moved** by David Crockford and seconded by Carl Nysten, all were in favor, and the **motion carried**.

## ADJOURN

With no other business before the Board a **motion** to adjourn at 8:42 pm was **moved** by Carl Nysten and seconded by Rhonda Nipper, all were in favor, and the **motion carried**

Respectfully submitted by,

Lisa Somers  
 Planning Board Clerk