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**PLANNING BOARD**  
**SEPTEMBER 20, 2017**

**PLANNING BOARD**

MICHAEL G. DOBIS,  
Chairman

HAROLD VAN EARDEN,  
Vice Chairman

WILLIAM RICE

ERINN KOLLIGIAN

RON SLONE

DAVID GABAY

BRETT HEBNER

RICHARD FISH, Alternate

JEFFREY HURT, Alternate

A meeting of the Wilton Planning Board (“the Board”) occurred on September 20, 2017 at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

**PLEDGE OF ALLEGIANCE**

**I. REGULAR MEETING:** Chairman Dobis calls the regular meeting to order at 6:31 PM. He requests a motion to address the August 16, 2017 Board minutes.

**MINUTES APPROVAL:** Brett Hebner moves, seconded by Harold VanEarden, for the approval of the meeting minutes of August 16, 2017 as written. Ayes: Dobis, Hebner VanEarden, Rice and Richard Fish, Alternate. Opposed: None. Absent: Gabay, Kolligian, Slone and Hurt.

**CORRESPONDENCE:** Site Plan Review dated September 20, 2017 from Mike Valentine, Senior Planner for the Saratoga County Planning Board re: Home Depot/Bloom Energy.

**IN ATTENDANCE:** Those present at the September 20, 2017 Board meeting are: Chairman Michael Dobis, Brett Hebner, Harold VanEarden, William Rice, and Richard Fish, Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering, Mark Schachner, Planning Board Attorney and Amy DiLeone, Principal Clerk-Engineering. Absent: David Gabay, Erinn Kolligian, Ron Slone and Jeffery Hurt, Alternate. Also present are: William Morris, John Hartzell, Esq., James Easton, P.E., Gerald Moser, Greg Oross, AICP; Heather Martin, Co-Manager – Home Depot, Assistant Chief Gary Bullard for Greenfield Fire District/Maple Avenue Fire Department.

**II. APPLICATIONS:**

**A. WILLIAM AND JUDY MORRIS 5-LOT SUBDIVISION:**

This is a preliminary application and William Morris, Applicant, is requesting that a public hearing be scheduled. Chairman Dobis asks Mr. Riper, Town Engineer, if the subdivision plans are set for preliminary. Mr. Riper responds that the Applicant has made the requested changes, the remaining

items are administrative and the public hearing can be set if the Board so chooses. Chairman Dobis scheduled the public hearing for October 18, 2017 at 6:30 PM.

**B. CAHILL'S FOREST 15-LOT CONSERVATION SUBDIVISION: J. THOMAS ROOHAN**

This is a preliminary application by J. Thomas Roohan for Cahill's Forest Conservation Subdivision consisting of 15 lots on a parcel adjacent to Harran Lane and Jones Road, on 26± acres, Tax Map No. 140.-2-48.41 zoned R-2. Chairman Dobis asks Mr. Riper, Town Engineer, if the subdivision plans are ready for preliminary. Mr. Riper responds that with the exception of some administrative items, the plans are ready and the public hearing can be set. Chairman Dobis schedules the public hearing for October 18, 2017 at 6:31 PM.

**C. SELF-STORAGE ROUTE 50 SITE PLAN: PRIME EDIE ROAD LLC**

This is a conceptual site plan application by Prime Edie Road LLC for the construction of a 2-story climate controlled self-storage building. Property located at 4297 NYS Rt. 50, on 3.41 acres, Tax Map No. 141.-2-14.112 zoned C-2. James Easton of MJ Engineering is representing the Applicant, Prime Edie Road LLC and Gerard Moser, one of the owners of Prime. Also John Hartzell, Applicant's Counsel from Nolan and Heller, is present. A site plan and special use permit for a multi-building self-storage center on this site was approved previously but the project was never finalized. The Applicant is proposing self-storage with one large two-story climate controlled building that is going to be located across the street from 4500 Route 50 office-park and next to Best Tile south of intersection of Edie Road and NYS Rt. 50. The joint access with Best Tile that was originally proposed will be used to access NYS Rt. 50, negating the need for a new curb-cut. The building will have a small office with one employee; 24 hour per day operation; the building size and green space requirements are code compliant. No variances are being sought. He indicates on the site plan, the landscaping where existing trees will be supplemented with new trees along the property line with Best Tile. The building frontage will be almost one hundred feet away from NYS Rt. 50 providing more buffering and a landscaping berm and fencing. The original special use permit required a berm and screening of the multiple storage structures. The height of the berm, the vegetation on top, doesn't work with the current one-building design. Mr. Easton wants to discuss some different measures, for instance the signage mentioned in Mr. Riper's letter, he suggests putting the sign on the building. He would like the Board's input on the height of the berm in front and the vegetation as pictured in the color rendering being handed out: the depiction of the building is very similar to what is being planned. He also mentions environmental considerations given to two endangered species: the long eared bat and the Karner Blue butterfly.

Mr. Riper's letter of September 13, 2017, Item #3, states that Board should evaluate and provide guidance to the Applicant on the landscape buffer along the frontage, which is a requirement of Town Code §129-176 O: "A 25 foot densely planted barrier for screening shall be as determined by the Planning Board". The Board has a certain amount of discretion. Mr. Easton states that the Applicant is comfortable with building the structure as depicted in the architectural rendering. There will be more specifics during the final plan application. Chairman Dobis refers to Item #4 of Mr. Riper's letter: "At Planning Board meeting presentation, display and describe building renderings and provide detail description of building materials and colors." Mr. Easton confirms there is a landscaping berm in the rendering – the elevation could be as much as eight feet. The berm approved

for the Special Permit was 3-4 feet. Mr. Rice would be in favor of no berm if the building looked like the rendering.

Applicant's Attorney, Mr. Hartzell, comments on the intent of having a berm and dense vegetation to screen a self-storage building: "if you do that, because of the adjoining properties, a screen of this nature could have exactly the opposite effect. If you look at the adjoining properties there are trees planted out front, but they are smaller deciduous trees and there is a line of sight under them". Chairman Dobis states that as long as the building is aesthetically pleasing the berm may not be an issue. Chairman Dobis asks if the site plan is close to this, would the Board would consider not requiring the berm. The Board Members are in agreement. Chairman Dobis asks Mr. Schachner if the berm was a condition of the special permit granted in 2004. It is not showing up in the ZBA motion states Mr. Schachner. There are two conditions cited in the ZBA Notice of Decision (Appeal 04-34); (1) a buffer will continue to the existing wood line on the east side with 6 to 8 foot evergreens planted 15 feet on center; (2) a 6 foot fence, with a key-pad gate, shall extend on the east side to the wood line on the north side and on the west side back to the existing wood line at the end of the shared driveway. It appears from the motion, that those were the only two conditions. Mr. Schachner asks the Applicant and the Applicant's representative whether there were representations in the application itself about the berm, in which case, if that is what the ZBA approved, there is a possibility that we need make sure that the ZBA is comfortable with that changing. It's necessary to look at the plan that was approved. Chairman Dobis doesn't feel that determination needs to be made tonight.

Mr. Easton mentions that the Code requirement for a self-storage center is to have all neutral tones. In the architectural rendering of the building a portion of the front wall around the entrance is in red to draw the eye to the front rather than to the size of the whole building. Mr. Schachner addresses the provisions about self-storage facilities in the Zoning Law, §129-176, which does not appear to indicate that the Planning Board can waive the requirements and one of the requirements mentions "the exposed exterior walls of the proposed structure shall be of textured or masonry construction and of neutral tones." Applicant's representative indicates his clients' willingness to look at alternative colors. The Chairman wants to make sure that the Applicant knows that the red would probably not be accepted as a neutral color. Mr. VanEarden characterizes the project as a "destination facility." He likes the red but it will likely come down to the Zoning Enforcement Officer's interpretation. The Chairman asks if it would be necessary for the Applicant to make an application to the ZBA or to Mark Mykins, [Zoning Enforcement Officer] for a determination on what constitutes neutral colors. Mr. Schachner doesn't believe a formal application is necessary, a simple written request of the Building Inspector, who can then issue a determination as to whether the rendering complies with Code §129-176 O. If it doesn't comply, the Applicant can either make that appeal to the ZBA, with what sounds like would be a favorable recommendation from the Planning Board for that relief, or Applicant can decide to change the colors.

Mr. Riper wants to make sure there is an agreement in place for the shared access to NYS Rt. 50. Mr. Hartzell has some documentation from when Judge Auffredou was advising the Town regarding the previous site plan and he found the agreement acceptable. A filed plat map shows the shared driveway and the deeds are reciprocal, says Mr. Hartzell, "the law is that if you do a subdivision and the plat map shows a shared driveway, an easement exists as a matter of law". The documentation is given to the Board Secretary.

Other items mentioned by Mr. Riper: to send plans to the emergency squad and fire department, to submit fire truck radius on the plans. He asks about the signage. Mr. Easton states if the berm is not required, the sign will just be on the building with no monument sign in front. Mr. Riper mentions storm water management, due to the small site and the amount of permeable surface.

Mr. Easton comments Applicants are looking for conceptual tonight. The Chairman asks the Board for a motion for conceptual approval. On a motion introduced by William Rice, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED**, that the Board approves the conceptual site plan application by Prime Edie Road LLC for the construction of a 2-story climate controlled self-storage building, on the property located at 4297 NYS Route 50, on 3.41 acres, Tax Map No. 141.-2-14.112 zoned C-2. The motion is seconded by Harold VanEarden and duly put to vote, all in favor on this day September 20, 2017.

#### **D. HOME DEPOT FUEL CELL PROJECT: BLOOM ENERGY**

This application is for an amended site plan to install solid oxide fuel cell facility behind the Home Depot Store, 3043 NYS Route 50 Tax Map No. 153.-3-48.1 zoned C-1. Greg Oross of Bloom Energy is currently working with 14 different Home Depots in NYS and about 20 in NJ. Also present is Heather Martin, Co-Store Manager from Home Depot Store in Wilton. Mr. Oross describes the proposal to place pre-fabricated foundations in saw-cut asphalt at the rear of the Home Depot. The energy servers will generate 200 KW of electric power, 365 days a year, 24 hours 7 days a week. The Home Depot is always taking energy from the fuel cells and when the fuel cells slow down or in the evenings, the extra energy is sent back into the grid, so it's constantly being metered. It's dependent on the grid, if the grid goes down it automatically goes down and vice versa. The fuel cell installation does not extend beyond the footprint of the existing Home Depot. The installation is completely surrounded by bollards for safety reasons. The installation is a very simple process; it takes about four weeks to install; the foundation comes in "wired" to be connected to the servers which are trucked in as a unit. They are placed, plugged and tested before they are energized. No setback requirements are being violated. The installation is SEQRA compliant. He is happy to answer questions.

Chairman Dobis asks if there will be any need to change the piping size for natural gas. Mr. Oross: All the natural gas and water that's required for the fuel cells comes from Home Depot. The fuel cells have their own pad and meters which are part of this application. In response to the Chairman's inquiry, Gary Bullard of the Green Field Fire District, states he has just started his research but wants to know that it's not hydrogen fueled. Mr. Oross states it is not, it is natural gas and water. The solid oxide that has been patented by Bloom Energy is sediment that goes on to the tiles within the fuel cell. The tiles are stacked inside of each server. Gas and water under pressure go into the fuel cell and through an electro-chemical reaction, produce electricity. There is no combustion, no emissions and no water runoff. There are fans above each unit to keep them cool. They are fairly quiet. There may be a very slight amount of water vapor. Water is not used to cool the systems. No noxious fumes. Mr. Rice asks if this is different than what is used at Plug Power, which is a

hydrogen fuel source. Mr. Oross: This is a completely different technology using only water and natural gas. Mr. Hebner: How much natural gas does it use? It uses pressure at less than 15 lbs. psi so it's not under very much pressure it's a constant stream of natural gas. Mr. Oross can't say how much is used on a daily basis. The technology came from the president of the Bloom Energy who worked on a large lunar landing. He was charged with figuring out how to have water for the astronauts, so he took the process he learned or invented at NASA and he reversed it. Mr. Rice asks what the benefit is of this process over hydrogen. The system is much more efficient. Mr. Oross compares it to a solar cell, which is about 24% efficient in the amount of energy it takes from the sun. These cells are 68% efficient from the natural gas that is used. He doesn't know the efficiency of the hydrogen, but the storage of it and transportation of it are major factors. Bloom Energy has the patent and works with Home Depot to reduce its carbon footprint.

Mr. Hebner would like Mr. Oross to respond to the Board's concerns about fire safety. Mr. Oross: There are bollards around the entire system, but should a car hit a server hard enough, it shuts itself down automatically. The units are monitored 24/7, there are service technicians in every region who can go to the site and make sure that there isn't any gas leak. Before commissioning the units, Mr. Oross would have the fire department come out and have the whole system explained, how the shut-offs work. He would be happy to arrange that. If the Board would like to make that a condition of Planning Board approval, or building permit, it will be arranged. Mr. Bullard states that would be absolutely necessary. Mr. Riper says it's typically done during construction, to invite the fire department out at night when the volunteers are available. Mr. Hebner asks if the energy servers get hot. Mr. Oross says the electro-chemical reaction burns very hot but the heat is contained within the core of fuel cell itself. It's very well insulated. Mr. Hebner asks if there is any risk of explosion. Since there is no combustion going on in the fuel cells, the only risk would be if someone were to hit the gas meter - that could explode. If there is any problem and the gas pressure dropped, it shuts itself off.

Mr. Riper would like to address the 9/20/17 review letter from Mike Valentine, senior planner to the Saratoga County Planning Board. His comments are based on the existing or lack of landscaping in the green area between the loop road of the mall and the back side of the Home Depot store. The Board may want to consider the need for either fencing or plantings to buffer the visual impact of the new electrical units. There are some existing trees in the green space on the backside. It is an area for storage. The Board acknowledges the comments but no concern is expressed since the letter indicated no inter-community or county wide impact.

Chairman Dobis addresses Ms. Martin who is one of two store managers for Home Depot. Home Depot would come in every year to get a temporary merchant certificate for a tent sale. In or around 2008, the Board decided to designate an area for such use. Chairman Dobis had dealt with one of her predecessors regarding the area designated for the tent sales, now used for seasonal items. Pallets were put right up to the end of the parking lanes. When someone is pulling out from those parking lanes, going left, there is a sight distance issue - you can't see anyone coming up the loop road from the direction of the Price Chopper. His agreement with the manager of Home Depot was that the first two parking spots, about 16 feet, would be clear and there would be no storage in that area. He would like to tie this in with the [Bloom] approval. We can do an amended tonight, if that is what the Board so desires, so this project won't be held up, but he would like to make that conditional on the new amended site plan so it shows that modification. The prior site plan can be

sent by PDF to Mr. Oross. Mr. Schachner: if the Board moves on a request to amend the prior site plan approval, including as a condition, that there is no parking or [storage] at that designated area. Mr. Oross agrees. The site plan amendment will include the "Seasonal Layout" plan so it will be part the permanent record. The proposed motion will have the adjusted seasonal sale area reflect that those first two parking spaces be left open.

On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

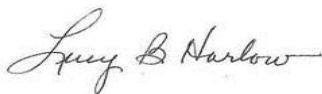
**NOW, THEREFORE, BE IT RESOLVED** that the amended site plan application by Bloom Energy to install solid oxide fuel cell facility behind the Home Depot Store is approved with the condition that there is no parking or storage at that area designated for seasonal sales area across from the Garden Center at the Home Depot. The location is 3043 NYS Route 50 Tax Map No. 153.-3-48.1 zoned C-1. There are no new or different environmental impacts requiring further SEQRA review. The motion is seconded by Brett Hebner and duly put to vote, all in favor on this day September 20, 2017.

**Mr. Riper adds that a note shall be put on the site plan, saying that prior to the Certificate of Occupancy; the Applicant will coordinate inspections of the site with the fire department.**

**III. ADJOURNMENT:** Chairman Dobis asks for a motion to adjourn. On a motion introduced by Harold VanEarden, the Board adopts the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the meeting of the Planning Board be adjourned at 7:26 p.m. The motion is seconded by Richard Fish, Alternate, and duly put to vote, all in favor on this day September 20, 2017.

Date Approved:        October 18, 2017



Lucy B. Harlow, Executive Secretary