

**Minutes for the Ticonderoga Planning and Zoning Board held on June 2, 2022,
commencing at 6:00 p.m. with Public Hearings for TiCon Solar and PIVOT NY6 Solar**

Present: Chairman W. D. McTyier, Ben Leerkes, Don Meserve, Walt Lender, Tonya M. Thompson (Town Clerk), Dave Burrows (Zoning Officer), Mike Powers (arrived a late)

Others: Mark Wright, Bruce Crammond, Gordon Woodcock, Tim Ryan, Marianne & Ed Axtmann, Bridget Cuddihy, Mark Sweeney, Bob Porter, Joe & Alicia Vilardo, Margaret Armstrong, Joyce Cooper, Dan Axtmann and from National Grid Joe Fragale, Chris Einstein, Joe Stodelmeyer, Jay McEnaney and via Go-To-Meeting, Chad Simpson, Matt Fuller (Town Attorney) Beth Stalker (PB in Newcomb) and Joanne Curtis

Chairman McTyier opened the meeting with the Reciting of the Pledge of Allegiance. He asked those who wish to speak tonight, please come up to the front and speak your name.

Public Hearing

TiCon Solar, LLC – 140 Charboneau Road (Catlin Property) 139.4-1-10.1 & 139.4-1-36.1
Bridget Cuddihy and Mark Sweeney

Ms. Cuddihy briefed the board that a revised Decommissioning Plan and Surety Bond numbers were submitted to Mr. Burrows, who went over them at this time.

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|------------------------------|--------------|
| 30 Years @ 2.5% inflation | |
| Decommission estimate | \$395,006.48 |
| Inflation 2.5% @ 30 years | 433,546.30 |
| Total Estimated Cost | 828,552.78 |
| Estimated Salvage | (527,907.14) |
| Total estimated decommission | \$300,645.64 |

Mr. Burrows also acknowledged the Decommission Plan explaining that everything is in line to his satisfaction (on file in the Town Clerk's Office)

Mr. Leerkes inquired about the letter received from DEC with their concerns.

Ms. Cuddihy explained that this was a form letter send out to acknowledge the Notice of Intent for Lead Agency and they had supplied actual correspondence from DEC acknowledging that all of those concerns had already been addressed.

Mr. Leerkes inquired how this board deals with the alternate use of the jurisdiction, when it comes out of Agricultural? We have to make a judgement on that.

Ms. Cuddihy explained that Ag & Markets has sent all of their requirements and guidelines; we are following all of those.

Mr. Leerkes again asked if this was a change of use and if it would be taken out of the Ag. District. He is on the County Board and has not seen anything about it at that level.

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Mr. Sweeney stated that this is not an issue, this project is considered a temporary project and it does not take the parcel out of the Agricultural District. When and if the project gets removed it will still be agricultural land in the agricultural district.

Resolution #48-2022 brought by Walt Lender, seconded by Ben Leerkes to accept the findings by Zoning Officer Burrows and agreed upon for the Decommission & Bond for TiCon Solar, LLC – 140 Charboneau Road (Catlin Property) 139.4-1-10.1 & 139.4-1-36.1. Total Decommission Bond is \$300,645.64. (On file in Town Clerk’s Office) **All in Favor – 4 – Ayes, 0 – Nays, Mike Powers – Absent. Carried.**

Chairman McTyier believes we have received everything needed to go forward with the application. (The board went over Part II and Part III of the EAF)

Resolution #49-2022 brought by Ben Leerkes, seconded by Walt Lender Upon review of the Site Plans, the Visual Simulations, the reports that were submitted on Decommissioning, security, the preservation of hedgerow, no use of herbicides or pesticides and all the other materials submitted for APA identify the basis to Declare a Negative Declaration and there is no significant adverse impact with the TiCon Solar, LLC – 140 Charboneau Road (Catlin Property) 139.4-1-10.1 & 139.4-1-36.1. **All in Favor – 5 – Ayes, 0 – Nays. Carried.**

Resolution #50-2022 brought by Mike Powers, seconded by Don Meserve to declare a complete application for TiCon Solar, LLC – 140 Charboneau Road (Catlin Property) 139.4-1-10.1 & 139.4-1-36.1. **All in Favor – 5 – Ayes, 0 – Nays. Carried.**

Resolution #51-2022 brought by Doug McTyier, seconded by Walt Lender to close the Public Hearing for TiCon Solar, LLC – 140 Charboneau Road (Catlin Property) 139.4-1-10.1 & 139.4-1-36.1.at 6:45 p.m. **All in Favor – 5 – Ayes, 0 – Nays. Carried.**

Resolution #52-2022 brought by Walt Lender, seconded by Don Meserve to approve the Special Use for TiCon Solar, LLC – 140 Charboneau Road (Catlin Property) 139.4-1-10.1 & 139.4-1-36.1. **All in Favor – 5 – Ayes, 0 – Nays. Carried.**

Resolution #53-2022 brought by Walt Lender, seconded by Don Meserve to approve the Site Plan for TiCon Solar, LLC – 140 Charboneau Road (Catlin Property) 139.4-1-10.1 & 139.4-1-36.1. **All in Favor – 5 – Ayes, 0 – Nays. Carried.**

PIVOT 6 – 150.2-1-2.110 & 150.2-1-18.000 (529 Old Chilson Rd) 5MW Alternating Current (AC) solar energy generating facility to be located on 24 acres

Gordon Woodcock is the Program Developer for PIVOT Energy based out of Upstate NY.

- Tier III solar project (PIVOT NY 6)
- 5MWac
- Located in Rural Residential Agricultural Zone - utilizing 24 acres out of 108 between Old Chilson Rd to the North and Race Track and Hague Road to the South.
- Single Axes tracker on driven piles into soils
- Follows the sun from East to West daily

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- Woven wire deer fence – agricultural style fencing
- Seeding with pollinator friendly, grazing friendly mix to allow for sheep grazing as the management method between May and November with mechanical removal as needed in the winter months.
- Interconnection is on Old Chilson Road, feeds to Hague Road substation
- Vegetative screening in addition to the existing vegetation that is on site, mix of maple, cedar and dogwood on the north end of the project to screen the project from Old Chilson Road
- Working on this project since late 2019 and early 20 and have completed all of the required environmental studies including wetlands studies, threatened and endangered species, cultural and historical studies
- APA approval received in May of 2022
- National Grid approval to connect to the system as proposed at the Hague Rd substation

We are avoiding the majority of the wetlands and are staying out of the adjacent areas to those wetlands with the exception of one existing farm crossing which is being upgraded and improved to allow access to this site, but overall, the impact to the wetlands on site are well less than a tenth of an acre. We have compressed out area to purposely stay out of the wetland areas. The Cultural and Historical side, we went through the valuation of the State Historical Preservation people and made sure that the access and all the equipment weren't going to have any impact to archeological, cultural or historical resources on site and have received a letter from SHIPO. Of course, we know that there is the Northern Long-Eared bat habitat in the Town and surrounding area, this site in particular, there is no tree clearing proposed so there is no impact to the habitat for the Northern Long-eared bat. Stepping back, we have gone through a lot of reiterations in this project to try to consolidate and be condense it to what the plan has provided. Originally, we proposed using acreage on the East side and west side of Chilson Road, but given the feed back from the APA, along with concerns for stream impacts and wetland impacts as well as feedback from an adjacent landowner that said that they were thinking of building a house overlooking the field on the east side of Chilson Brook. We took the feedback from those stakeholders seriously and adjusted the project and compressed it rather than maximize the potential array size, we condensed it and maximized within a much smaller area.

Chairman McTyier noted that looking at the pictures was very helpful, so they will track from east to west, which way is directly east from where they are.

Mr. Woodcock answered toward the hospital. West is essentially towards the mountain across the valley. He continued with the actual benefits that are associated with the project, they would enter into a PILOT agreement and the first year of operation would result in over \$20,000 in tax payments to the Town, County and School districts. Approximately, 50% of that is for the school district and the remainder is split between the Town and County. Over the 15 year life of the PILOT agreement that would be over \$370,000.00 paid to those taxing authorities and then after that for the remaining life of the project will be taxed at market rate. During the construction phase, we will utilize union labor for civil and electrical work and so they do work with the local union shop to staff electrical and similar work on site. We would use temporary labor from the area during the construction activities. Finally, as he mentioned the amount of energy produced from a site like this will average for a bout 12 hundred residences in NYS.

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Bob Porter owns the old driving range to the south of the project. The interconnection of the electric you are saying is going up Old Chilson Road, is there going to be land access to the substation from there?

Mr. Woodcock stated no, not for this project, it is coming off from Old Chilson.

Mr. Porter continued that there is an assumption that there is an easement that the Crammonds have through his property and that is not the case.

Mr. Woodcock agreed and they were told that, however, they were not able to find proof of that or not. There is no design element from that.

Joe and Alicia Vilardo noted that they have talked with Gordon but wanted to make the board aware that they own the property that is mentioned. He has worked with us, but he has brought some pictures because when he talked to him last after last meeting, we talked about using the natural vegetation for buffer, but there are some spots where the natural vegetation is now that you can still see quite a bit of panels. He knows the other neighbors concerned as well, so he brought some pictures from his views cape.

Chairman McTyier would like to understand that this is about screening (yes).

Mrs. Vilardo explained that this is a pretty steep slope, so, even if you plant trees, you will still see it.

Mr. Woodcock agreed, they looked at it from the old medical building, so he does have a sense in what they are talking about. This would correspond with the visual simulations on page – this is a private viewpoint, so, we don't simulate the private viewpoint, we try to simulate as close as we can from public view points and that would be close to view point on photo 7.

Mr. Vilardo again expressed the concern from his family and the other neighbors, it will impact our view. However, Gordon has been very good about listening to us.

Chairman McTyier believes these were really helpful, but he would like to have seen on a little higher on 9N, such as from Alexandria Avenue way by the Windchill.

Mr. Woodcock noted that there are a few photos that portray the area, such as photo 9 and photo 11. (Discussion and looking at photos)

Mr. Lender agrees this is a concerned area,(looking at the photos from Joe & Alicia) here it is much more visibility (Vilardo & neighbors) than from the road.

Mr. Woodcock recognizes that concern and they did completely removed arrays from directly south of that to try to mitigate as much as possible.

Mr. Burrows stated that we are waiting for SHIPO and the County, we do have the APA approval and we do have the Decommissioning Plan along with the numbers for the surety bond.

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PIVOT SOLAR 6

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| Estimated First Year Decommission | \$218,300.00 |
| Estimated salvage/resale value | (67,900.00) |
| Estimated Total Cost | 150,400.00 |
| Inflation escalator @ 2% over 25 years (1.64%) | 96,256.00 |
| Total estimated decommission @25 years | 246,656.00 |
| 25% reserve per LL#2 of 2019 | 61,664.00 |
| Total estimated bond amount | \$308,320.00 |

Mr. Burrows continued that the Decommission Plan is in order and to his satisfaction.

Chairman McTyier explained that we will need to wait for the other documents and put all of this together with the amounts.

Mr. Leerkes noted that previous Solar was for 20 years and this is for 15 years.

Mr. Woodcock does not know what other companies have proposed, but the County PILOT that we are using is a 15 year maximum. That is what we are doing, he can't speak to what others are doing. It would then revert to standard taxation rates.

Mr. Leerkes asked – 15 years is up and we are talking decommissioning, that is not automatic what would we be asking for any further approval or continuation.

Mr. Woodcock explained that from a lease agreement standpoint he believes it is 26 years, from a contract with the utility it is 25 years where we have agreed on energy related conditions for supplying energy for 25 years, so those would be the main conditions that are dictating our operating life – the lease agreement and utility contract. Beyond that they can have an option to extend with the landowner.

Mr. Leerkes stated that technology is changing fast, it is possible that these will be obsolete.

Mr. Woodcock imagines in 20 years and maybe 10 years there will be panels that would be potentially lower cost, but we are sort of pre-paying for all the 25 years of energy production, but by installing them there are no fuel costs, limited operations and maintenance costs so it may not be obsolete, but it won't be state of the art, but it will still be producing useful energy and valuable energy and that would be very productive.

Mr. Leerkes continued that we are talking of decommissioning. Do you foresee that, it says that this will revert back to agricultural land, is this a realistic proposal? It would seem to him that 20 years down the road it is just as important to have it there as it is now.

Mr. Woodcock agreed, it would be interesting to see what the world is like in 25 years. That is what the decommissioning security with the Town is for. It may be removed and again there are some factors that would limit the use of the project.

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Mr. Lender added that it does not force them to decommission at a certain time, it is just setting aside a plan for decommissioning in case they decide to abandon it.

Chairman McTyier asked how the surety bond works.

Mr. Woodcock explained that it is a signed and sealed surety that we pay a premium on in the event we have to call on it.

Chairman McTyier wrapped up the conversation, we have the questions and concerns from tonight and possibly renditions from a little higher on 9N.

Mr. Woodcock agrees and understands.

Mr. Meserve agreed that this was his concern, the concern of the neighbors and to make sure that they are spoken to.

Mr. Woodcock agreed and pulled together the needs from tonight, another simulation closer from the Windchill..

Mr. Meserve added a simulation from down as far as Nadeau's Farm Stand.

Mr. Leerkes finds this interesting because Mr. Porter came to us years ago to locate condominiums at the driving range location and he got rejected by the APA because of the scenic views. Was this ever mentioned with your project.

Mr. Woodcock stated that the APA really influenced the visual simulation locations in their review process, so this was what was considered by them.

Mr. Powers agreed, the reasoning for denying that was what he believes that the project was going to be from the road essentially and block the view from that way as opposed to trying to hide the valley. He added that the only image you have for this site from Race Track road is photo 7 and it is from the old medical building.

Mr. Woodcock stated that we have photo 3 which is the only visible spot from the access road in. Race Track is photo 7 from the medical building.

Mr. Powers stated that 7 is the only photo from Race Track and it is almost at a 90 degree angle. He would like to see a simulation from Race Track Road at that same angle. (discussion on the angle.

Mr. Woodcock can drive it and see if there is something that has more exposure. The main fact is the Vilardo's property..... (inaudible) we can drive that.

Resolution #54-2022 brought by Walt Lender, seconded by Ben Leerkes to table the PIVOT 6 – 150.2-1-2.110 & 150.2-1-18.000 (529 Old Chilson Rd) 5MW Alternating Current (AC) solar

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energy generating facility to be located on 24 acres application until the July 7, 2022, meeting at 6:00 p.m. **All in Favor – 5 – Ayes, 0 – Nays. Carried.**

Resolution #55-2022 brought by Doug McTyier, seconded by Ben Leerkes to declare the Ticonderoga Planning and Zoning Board as lead agency for the PIVOT 6 – 150.2-1-2.110 & 150.2-1-18.000 (529 Old Chilson Rd) 5MW Alternating Current (AC) solar energy generating facility to be located on 24 acres application until the July 7, 2022, meeting at 6:00 p.m. **All in Favor – 5 – Ayes, 0 – Nays. Carried.**

Site Plan Review Applications

National Grid - Road Access Black Point Road to Lower Road –
150.83-1-1; 160.2-2-12, 3; 150.4-4-1

Joe Stodelmeyer (National Grid), Joe Fragal (Ferrara Const.), Jay McEnancy (CHA – Lead Designer) Chris Einstein, (Planner CHA) This is not a complicated project, it is a complicated site for what we are proposing to do.

- Construction of Two Access Road
- Mt. Defiance section of the 15KV Ticonderoga/Whitehall#3 and Ticonderoga/Republic#2 transmission lines
- Upgrading and reconstructing the structures in this area that were built back in the 1930's
- Long past useful life
- Very rugged terrain

No access to the structure for equipment to get there or to get the 40 foot sections of aluminum structures that need to be put up – in order to do this, we need to create two new access roads. The reason for that is that access, the first location on Mossy Point will get us up to 4 of the Towers, but between the last tower there in that section and tower #48 there is some very significant terrain which cannot be accessed. We actually have to have a separate access road coming from Route 22 to reach just this single location. These are proposed to be gravel access roads, the intent is to construct them in order to build these new structures up there and then also as needed for future maintenance. We do not anticipate these roads to be used very often, but in case of an emergency or situation with a storm or something like that for down lines or problems with the structure we certainly do need to have access. Right now, there is none. To get up there in a storm event is a very, very difficult situation. This will take care of two things; one is they are going to replace these poles with these structures which clearly need to be replaced as well as to provide themselves with some future access for emergency conditions. We can answer some questions if you have any. This is a design build so we are working with Ferrara construction to not only design it, but to actually construct this project and what is nice about this is we have the contractor with us that has designed the project. We know what their needs are and understand what we have as design concerns. We have a good plan for getting there.

Mr. Lender asked how much taller are these towers than the existing towers?

Mr. Stodelmeyer noted that this is a separate project for National Grid itself, he has some knowledge.

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Mr. Lender understands that we are not ruling on that, it was a curiosity question. We are ruling on just the access road.

Mr. Meserve asked if the roads would be straight lines or will you meander back and forth over private lands?

Mr. Fragal noted that we have crafted the roadway to navigate around outcroppings of rock and we have to get rid of the nearly 40% grade to be able to allow the tract rigs to climb so we had to set everything specific to avoid the vertical basis. We do have to go on private property through easements obtained by National Grid. Those were acquired in 2019. They are in your site plan application.

Joanne Curtis called in to the meeting to express her concern, this line is going to run right through her property and she believes that it is a travesty that National Grid did not do an archeology study of the area, regarding our revolutionary past. This will also be putting a huge scar on the countryside – it is just a travesty all around. (Most of Mrs. Curtis discussion was inaudible)

Mr. Einstein is not clear on the discussions that Mrs. Curtis had with National Grid, he understands the archeology concerns and they did contact the State Historic Preservation Office and provided them with documentation about the sites. We did not do archeological studies because they did not, the State Historic Preservation Office determined that it was not required for this area.

Mrs. Curtis doesn't believe they even bothered to look into it. They have not done their due diligence – all you have to do is walk around out there and you would find stuff.

Mr. Einstein explained that he cannot speculate why SHPO has not identified certain areas as archeological sensitive. He explained that the majority of this project is going up very, very steep terrain.....(inaudible from Mrs. Curtis)

Chairman McTyier explained that from their project standpoint, they have done what they are required to do. It sounds like, if you have concerns, that you should contact the state. These people (inaudible from Mrs. Curtis)... he thanked her for her concern.

Mr. Einstein noted that the county road cut that is required for the project, as well as the DOT highway work permit do not require a SEQR and they have not identified the county as an involved agency in this project.

Mr. Fuller noted that you did talk about a response from SHPO and he does not see that response in this packet. (It is not)

Mr. Einstein agreed that he can provide the sign off letter from SHPO.
The board cannot go over the SEQR without that SHPO letter, we will have to wait on that.

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Mr. Powers asked what else we need to request.

Mr. Lender added that they need a letter from LGPC.

Mr. Powers reiterated that we need that SHPO Letter and also the LGPC letter.

Mr. Leerkes asked about the Northern long-eared bat and they are not allowed to do any cutting in the summertime.

Mr. Einstein stated that it was the original intent to cut during the wintertime, when the bats are not here, at this point in time we are doing a mist-netting survey, we hope that there will be a negative finding with the Fish and Wildlife and DEC.

Chairman McTyier asked about the entrances to these roads, will they be secured?

Mr. Fragal explained that the Black Point entrance will have a temporary access put in place across a stream for the project. This will be removed. If there is an instance such as an outage, they will come with matting to traverse the stream in that emergency situation. On the Route 22, there will be more of a permanent entrance from the shoulder edge, a gate may be put in place.

Mr. Powers explained that this screams a party access.

No more discussion.

Resolution #56-2022 brought by Walt Lender, seconded by Mike Powers to table the National Grid - Road Access Black Point Road to Lower Road – 150.83-1-1; 160.2-2-12, 3; 150.4-4-1 until the next meeting, July 7, 2022, at 6:00 p.m. in order to receive statement letters from Lake George Park Commission and the State Historic Preservation Office. **All in Favor – 5 – Ayes, 0 – Nays. Carried.**

Axtmann – 3 Tin Pan Alley (150.59-8-11.100) – 30x40 detached garage

- House was purchased in 2015 (single at that time)
- House has been renovated (married with two children)
- Home will be 3 bedrooms and 2 baths with no storage
- Application is for a 30x40 detached garage
- Boat storage, vehicle storage, water sports, landscaping equipment, etc.

Mr. Meserve asked if he was tearing down the existing garage.

Mr. Axtmann explained that the current garage is being converted into a bedroom with an on suite bath.

Chairman McTyier asked if there is a Stormwater management plan? With the increased structure, what is the plan for stormwater?

Mr. Axtmann stated that there was nothing allocated for that in the plan, it is surrounded by lawn and it will have a parking area in front of it, similar to what we have now; but he can't see there

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being any radical impact, it is actually further away from the lake than the existing structure.

Mr. Lender stated that you are still under the Lake George Park Commission jurisdiction so you will need a letter from them of either a non-jurisdictional determination or go through the process of getting a storm water permit. He does not believe you fall under a minimum threshold.

Mr. Axtmann noted that this was not on the application.

Mr. Lender explained that the LGPC is separate from the Town's application.

Mrs. Axtmann wasn't aware that he would need a permit.

Mr. Lender noted that it is anything in the watershed of the park.

Mrs. Axtmann wanted to add, just for your information, when the discussion was up about putting a dock in at the end of Tin Pan Alley, the APA – she contacted, and told them how the Town had paved the road and she said, oh, I'm sure they put in storm water protection for that; which the Town did not. So, shouldn't that be addressed as well, it has nothing to do with Dan's project, but if he needs it and he is further away than where the water run off goes from the street, shouldn't the Town be addressing that as well.

Mr. Lender stated that municipalities have a different relationship with LGPC than individual property owners. Yes, the Town is always dealing with storm water issues and that clearly one.

Mrs. Axtmann stated that this area down there has gotten very wet, since they paved it. She thought it was only for waterfront properties that issue had to be addressed. They went through all of those things.

Mr. Lender stated that it is an easy enough letter to get from them.

Mr. Fuller agreed and added that anything within 1,000 feet of the water shed is needing a LGPC letter of determination.

Mr. Powers noted that the driveway access currently goes out to the old garage.

Mr. Axtmann agreed and noted that this will be removed and will ultimately restored to lawn.

Mr. Powers asked about the new driveway, this will be moved to the new garage structure.

Mr. Axtmann agreed, the intention was to pave a good amount of space in front of the new structure for parking.

Mr. Powers asked if you need to contact the highway for a curb cut.

Mr. Axtmann noted that there is no road cut.

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Chairman McTyier noted that we need to see that plan from LGPC, there will be sheet flow to the lake.

Mr. Powers also noted that it is a better situation, set back wise.

Resolution #57-2022 brought by Don Meserve, seconded by Mike Powers to table the Axtmann 3 Tin Pan Alley (150.59-8-11.100) – 30x40 detached garage, application until July 7, 2022, at 6:00 p.m. in order to receive the LGPC decision. **All in Favor – 5 – Ayes, 0 – Nays. Carried.**

Other Business

Resolution #58-2022 brought by Ben Leerkes, seconded by Walt Lender to accept the minutes of the PZB Meeting on May 5, 2022. **All in Favor – 5 – Ayes, 0 – Nays. Carried.**

Dave Burrows – Zoning Administrator

Camper Law – more work has been done to this just today, Purpose – definitions - the board reviewed the additions from Mr. Burrows and made a few comments – (1) Storage Yard - Motor Vehicle/Car Dealership or License Motor Vehicle Repair Shop (f) or private septic.

Sign Law – looking into a law for telephone poles, (Mrs. Thompson has information from National Grid to share with Mr. Burrows) - proposed registry for rental – discussion to be held.

Specific codes were discussed – self-reporting, fire inspections... Albany’s Rental Occupancy Law was suggested.

Resolution #59-2022 brought by Walt Lender, seconded by Don Meserve to adjourn at 8:15 p.m. **All in Favor – 5 – Ayes, 0 – Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk