

**TOWN OF PERTH PLANNING BOARD
JANUARY 11, 2021
6:00 P.M.
PERTH TOWN HALL**

MEETING NOTES

PRESENT:

**RON CETNAR, CHAIRMAN
BOB GORDON
NICHOLE SURENTO
MICHAEL DIMEZZA
TRACY GUTOWSKI**

SEAN M. GERAGHTY, SR. PLANNER

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:03 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the November 16, 2020 meeting.

MADE BY: Michael Dimezza

SECONDED: Tracy Gutowski

VOTE: 5 in favor, 0 opposed

**III. STEPHEN AND JENNIFER SAVAGE – PUBLIC HEARING ON SUBDIVISION
ALONG MCKAY ROAD:**

A. Background:

Stephen and Jennifer Savage own a piece of property along the east side of McKay Road in the Town of Perth (Tax Map Parcel No. 178.-2-4). The property is approximately 50.5 acres in size. The applicants would like to create three (3) building lots along the road that are all approximately 1.5+/- acres in size. The remaining 45.8+/- acres will be kept by the applicant for future development. That future development will include the creation of additional building lots for upwards of 20 homes.

B. November 16, 2020 Meeting:

During its November 16, 2020 meeting, the Town of Perth Planning Board began reviewing Stephen and Jennifer Savage’s subdivision application for a piece of property along McKay Road. At that time, the Planning Board asked that the following information be provided on the final plat prior to the public hearing:

1. The subdivision plat should be updated to show the tentative future plans for the remaining acreage.

STATUS: Provided.

2. A notation should be added to the drawing indicating that, “All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health.”

STATUS: Provided.

DISCUSSION: The Planning Board had no comments or questions regarding the revised plat.

C. County Agricultural District No. 1:

In accordance with Section 305-a of Article 25AA of the Agricultural and Markets Law of New York State, a subdivision application for a piece of property within an Agricultural District containing a farm operation, or on property within 500’ of a farm operation located in an Agricultural District, must receive notice of the proposed action.

The Fulton County Planning Department forwarded a letter, along with an Agricultural Data Statement and map, to Agricultural District property owners within 500’ of the property that is the subject of the Savage’s subdivision application. To date, the Planning Board has received no written comments regarding the application.

DISCUSSION: Mr. Geraghty explained that, as a result of the Ag District mail out, he received a phone call from Marion Abraham concerning the project. Mr. Geraghty stated that Ms. Abraham’s comments were not related to the project’s potential impact on her farm operation, but were more of a general nature.

D. State Environmental Quality Review:

During its November 16, 2020 meeting, the Town of Perth Planning Board classified the proposed project as a Type I Action and proposed that it serve

as the Lead Agency for the purpose of issuing a determination of significance under SEQR. Copies of the preliminary subdivision plat, along with the Full Environmental Assessment Form, were sent to other Involved Agencies asking that comments concerning the Planning Board's proposal to serve as Lead Agency or on the project itself be submitted, in writing, by Monday, January 11, 2021.

To date, the Planning Board has received the following comments:

NYSDEC:

In a letter dated December 16, 2020, the NYSDEC concurs with the Town of Perth Planning Board's proposal to serve as Lead Agency. NYSDEC notes that any disturbance of more than 1 acre of land will require a SPEDES General Permit for Stormwater Discharges from Construction Activities. NYSDEC also notes that, based on a GIS review of the property, the project site is located within an archeologically-sensitive area and suggests that the applicants contact the NYS Office of Parks, Recreation and Historic Preservation regarding any potential impacts on historic and archeological resources.

DISCUSSION: Mr. Geraghty suggested to the applicants that they contact the NYS Office of Parks, Recreation and Historic Preservation so that development of the project is not hindered at some future date because of concerns regarding historic or archeological resources.

NYSDOH:

In a letter dated January 11, 2021, the NYSDOH offered no objections to the Town of Perth Planning Board serving as the Lead Agency for this proposal. NYSDOH points out that the potential impacts of the entire project cannot be properly determined until a proposal for dividing the remaining lands is presented. NYSDOH also notes that:

- If the subdivision eventually comes under the jurisdiction of a New York State Realty Subdivision, the three (3) initial lot offerings will retroactively have to comply with NYSDOH regulations.
- Stormwater design, easements, roadway construction all need to be factored into the Planning Board's determination.
- There is very limited information concerning the wetlands that have been identified on the project site.
- If the project turns into a NYS Realty Subdivision, only conventional onsite sewage disposal systems will be allowed. Alternative designs are not allowed as part of a NYS Realty Subdivision.
- The existence of 5 acres of wetland on the project site and an average depth to groundwater of over six (6) feet seem to be contradictory.

- If the project turns into a NYS Realty Subdivision, the developer must also demonstrate that water wells capable of providing water of adequate quantity and quality can be constructed on each lot.

DISCUSSION: Mr. Geraghty briefly reviewed comments he received from the NYSDOH. He pointed out that the nature of the project creates a dilemma for the Planning Board in terms of the amount of information that needs to be requested from the applicants at this early stage of development in order to adequately assess the potential adverse environmental impacts associated with full project development. He explained to the applicants that if the project eventually falls under the jurisdiction of the NYSDOH as a NYS Realty Subdivision, there are going to be significantly more stringent guidelines and parameters that will need to be followed in order to continue development of the proposed subdivision.

MOTION: Declaring the Town of Perth Planning Board the Lead Agency for the purpose of issuing a determination of significance under SEQR for Stephen and Jennifer Savage's subdivision application for a piece of property along McKay Road.

MADE BY: Ron Cetnar

SECONDED: Bob Gordon

VOTE: 5 in favor, 0 opposed

FURTHER DISCUSSION: Mr. Geraghty, once again, noted that, while the Planning Board is only currently being asked to approve three (3) new building lots along McKay Road, the State Environmental Quality Review (SEQR) process requires the Planning Board to determine if the project, at full development, will pose any significant adverse environmental impacts.

Board Member Mike Dimezza expressed his feeling that it is difficult for the Planning Board to ascertain what impacts will result from the project at full development, when detailed information concerning the future development of the site is not yet available.

Mr. Geraghty agreed, but pointed out that, while the project will undoubtedly impact the local environment, the Planning Board must decide whether or not the potential impacts associated with the full development of the project will have significant adverse environmental impacts which need to be addressed immediately by the applicants through the preparation of an Environmental Impact Statement (EIS).

After a very brief discussion, Board members felt that, in order to develop the entire project, the applicant will need to address several issues concerning onsite septic systems, water quality, stormwater etc., but none of those issues seem insurmountable and should be easily addressed as part of the final engineering for the project.

MOTION: Authorizing the filing of a negative declaration under SEQR for this proposed action since:

1. The applicants have sufficient acreage available to develop upwards of 20 homes on the property.
2. Public utilities are readily available to service the new building lots.
3. The eventual magnitude of the project will be dependent on soil conditions, which will dictate the lot sizes and the number of total building lots that are developed on the property.
4. There will be limited traffic implications resulting from the proposed project.
5. The property has acreage available to address onsite stormwater management.
6. Water quantity and quality in the vicinity of the project site is acceptable to handle the number of homes being proposed by the applicants.

MADE BY: Nichole Surrento
SECONDED: Tracy Gutowski
VOTE: 5 in favor, 0 opposed

E. Public Hearing:

1. The public hearing was opened at 6:11 P.M.

2. Speakers:

Planning Board Chairman Ron Cetnar told the applicants that he liked the way the road has been laid out for the future development of the property.

Planning Board Member Tracy Gutowski agreed and added that the configuration of lots on the project site was nicely considered.

Chris Foss, the applicants' surveyor, noted that one of the other issues that may cause the applicants to reconfigure the lots will be the need to make acreage available on the property for stormwater retention.

3. The public hearing was closed at 6:13 P.M.

F. Planning Board Action:

In accordance with Article V of the Town of Perth Subdivision Regulations, the Planning Board, within sixty-two (62) days after the public hearing on the final plat for a subdivision shall, by resolution, conditionally approve, with or without modification, disapprove or grant final approval of the proposed subdivision plat. Consequently, does the Planning Board wish to issue its final decision on Stephen and Jennifer Savage's subdivision application at this time?

DISCUSSION: Mr. Geraghty, once again, pointed out that the applicants are seeking approval of three (3) building lots on McKay Road and will have to come back to the Planning Board at some future date if they intend to continue with development of the subdivision.

MOTION: To approve Phase I of Stephen and Jennifer Savage's subdivision application for a piece of property along McKay Road which creates three (3) new building lots.

MADE BY: Michael Dimezza
SECONDED: Nichole Surrento
VOTE: 5 in favor, 0 opposed

IV. SUNEAST LIMESTONE SOLAR, LLC – SPECIAL USE PERMIT FOR SOLAR FARM ALONG BISHOP ROAD:

A. Background:

SunEast Limestone Solar, LLC would like to construct a 20+/- megawatt Solar Farm off of Bishop Road in the Town of Perth (Tax Map Parcel No. 165.-1-6, 165.-1-62.11, and 165.-1-65). The owner of the property is James Skiff. The combined size of the three (3) parcels is approximately 392+/- acres. The Solar Farm proposal will physically alter approximately 145+/- acres of the project site.

B. October 19, 2020 Meeting:

During its October 19, 2020 meeting, the Town of Perth Planning Board began reviewing Suneast Limestone Solar, LLC's Special Permit application for a Solar Farm Project on lands owned by James Skiff along Bishop Road. At that time, the Planning Board asked that the following information be provided on the next submittal before continuing its review of the project:

1. A brief description of the Solar Farm facility and the technical, economic and other reasons for the proposed location and design must be provided for the Planning Board.

STATUS: Provided.

2. An Operation and Maintenance Plan for the facility will need to be provided.

STATUS: Provided.

DISCUSSION: Mr. Geraghty pointed out that the applicants did a very nice job not only preparing the Operation and Maintenance Plan, but putting together a Vegetation Management Plan for the project. Mr. Geraghty stated that, after reviewing the Vegetation Management Plan, he had a concern regarding the warranty on the plantings that needs to be clarified in the Plan. Mr. Geraghty explained that, on page 6 of the Vegetation Management Plan, there is language indicating that the trees and grasses will be maintained for the duration of the project with dead plants replaced at the next recommended planting date for the species or seed blend. However, Mr. Geraghty pointed out that there is also language on page 11 indicating that the contractor shall monitor and guarantee that all plants and trees shall be healthy and free of disease for a period of one (1) year after substantial completion and acceptance by the owner. Mr. Geraghty stated that these statements seem to be in contradiction to each other.

Board members quickly indicated that the language concerning the 1-year warranty should be removed from the Vegetation Management Plan because the Board will expect the applicant to warranty the trees for the life of the project.

Mike Beckner, SunEast Limestone Solar, indicated that the language in the Vegetation Management Plan is probably a clerical issue. He indicated that SunEast Limestone Solar intends to replace any trees or plantings for the life of the project.

3. Information on noise (inverter) will need to be provided.

STATUS: The applicant's response indicates that the noise generated by the inverters is comparable to a residential air conditioning unit and will be undetectable outside of the facility.

DISCUSSION: The Planning Board had no further comments regarding the potential inverter generated noise.

4. A glare analysis for the Solar Farm Project must be conducted.

STATUS: Provided.

DISCUSSION: The Planning Board had no comments or questions regarding the glare analysis.

5. A visual analysis must be prepared for vantage points along County Highway 107 and Sacandaga Road. The applicant was provided with an image showing where the Planning Board wanted to see the visual perspectives.

STATUS: Provided.

DISCUSSION: Mike Mantell, P.E. showed Planning Board members the visual analysis that was put together for the recommended vantage points along Sacandaga Road and County Highway 107.

Mr. Geraghty explained that he walked the perimeter of the project site along Sacandaga Road and County Highway 107 with Town Code Enforcement Officer Mark Concilla and Town Supervisor Greg Fagan in order to give the applicants an idea of where the visual concerns will be. Mr. Geraghty noted that the visual analysis shows the present conditions at each of the five (5) vantage points that were identified and then offers the Planning Board two (2) options for screening the solar panels including a wall of arborvitae or a mixed planting of native species.

Planning Board Member Nichole Surrento stated that the wall of arborvitae clearly provides more effective screening of the solar equipment.

Mike Mantell stated that the applicant will propose to install Green Giant arborvitae, which the USDA indicates will grow effectively in this climate zone.

Mr. Dimezza pointed out that some of the arborvitae species are not deer resistant. He indicated that he has had this problem with arborvitae that were planted on his property.

Mr. Geraghty stated that the County Planning Board has recommended the use of Nigra Arborvitae because it is more frost resistant. He also pointed out that the County Planning Board typically provides a list of tree species that will grow effectively in this area given climate and soil conditions. However, he pointed out that, on certain occasions, such as a property with very wet conditions, the County Planning Board has recommended that a completely different set of species be planted.

Mr. Dimezza commended the applicants for the way the visual analysis was laid out. He stated that the mapping and the pictures are very helpful in terms of giving him a better idea of what the visual impacts of this project will be.

Planning Board Member Bob Gordon stated that he wanted to look more closely at some of the mixed plantings that have also been suggested by the applicants.

Mr. Geraghty pointed out that the Planning Board may want to consider both the arborvitae wall and the mixed plantings at different locations given the different visual angles from which the project will be viewed.

Planning Board members generally agreed that mixed plantings may actually give a better appearance for Views 1 and 5, while the arborvitae screening may be a better way to address the visual impacts from Views 2, 3 and 4.

Ms. Gutowski asked how tall the trees will be at the time of planting?

Mr. Mantell indicated that the trees will be 10 to 12 feet in height at the time of planting.

Mr. Mantell also pointed out that the applicants intend to provide mesh screening on the fencing that will surround the solar panels.

Mr. Dimezza noted that, given the applicants' proposed 14' tall panels, he asked how high the fence will be surrounding each of the solar fields?

Mr. Mantell indicated that the Town's code requires an 8' high fence.

Mr. Cetnar pointed out that the Landscaping Plan, as proposed, still requires five (5) years before the plantings will have grown enough to provide an effective screening of the facilities.

Mr. Beckner pointed out that the SunEast has reduced the height of the panels to 12' since they will be using a 10½ foot tall tracker. He indicated that the technology is changing very rapidly and SunEast does not want to leave itself with very little maneuverability if it has an opportunity to use a larger more efficient panel.

Mr. Mantell pointed out that, at its closest point, the solar field will be within 96' of one of the residential properties along Sacandaga Road. He noted that the property owner has provided a letter of support for the project.

Mr. Gordon asked how many of the residences have provided letters of support?

Mr. Beckner and Mr. Mantell both identified the residential property owners who have indicated support for the project.

Mr. Skiff also explained that one of the adjacent properties is being foreclosed on and he is trying to gain access to that property.

(NOTE: Three (3) letters of support have been provided for the Planning Board's records.)

Ms. Gutowski asked if the residential property owners who have provided letters of support have seen the visual analysis?

Both Mr. Beckner and Mr. Mantell indicated that they have talked to the residents about the location of the solar arrays.

Ms. Gutowski stated that she would feel better if each of the residential property owners was shown the visual analysis.

Mr. Dimezza asked if the plantings shown in View #4 can be moved closer to the road?

After several minutes of discussion, Mr. Skiff pointed out that trees are already within 50' of the property line since he does not own that section of property all the way to Sacandaga Road. He pointed out that the property is owned by a residential property owner on the opposite side of Sacandaga Road.

Mr. Dimezza then asked about where vehicles will access the site during construction? He pointed out that the intersection of Sacandaga Road and County Highway 107 is an extremely dangerous intersection and that construction traffic should be routed away from that area whenever possible.

Mr. Mantell talked briefly about the potential access points along Sacandaga Road and County Highway 107 that will be used during construction.

Mr. Cetnar asked what the spacing will be for the arborvitae plantings?

Mr. Mantell indicated that the plantings will be installed 16' on center in a staggered formation so that there is a planting every 8'.

6. The term of the proposed lease agreement must be identified and the option to lease the property should clarify that all three (3) parcels making up the project site are included in that option.

STATUS: The Amended and Restated Memorandum of Option to Lease Agreement has been provided. However, the term of the lease has not been identified.

DISCUSSION: Mr. Beckner indicated that the term of the Lease will be 25 years with three (3) five-year options.

7. The applicants originally proposed 14' high modules which will require an Area Variance from the Town of Perth Zoning Board of Appeals (ZBA).

STATUS: The applicants have reduced the height of those panels to 12' and intend to file an application with the ZBA in the near future.

DISCUSSION: Mr. Mantell indicated that an application has not yet been filed with the Town ZBA.

8. As additional details become available on how the facility will tie into National Grid's infrastructure, those details should be provided to the Planning Board.

STATUS: Only limited details regarding this issue are presently available.

DISCUSSION: Mr. Beckner explained that the project is in National Grid's system. He explained that there are multiple steps that the project needs to go through with National Grid that could potentially take upwards of a year to 18 months to complete. He stated that, prior to the issuance of a Building Permit, SunEast will be able to provide all of the details regarding the connection to National Grid's infrastructure.

Mr. Dimezza questioned what the tie-in location will look like? He pointed out that these types of projects typically tie into locations along public roads and are very visible.

Both Mr. Mantell and Mr. Beckner pointed out that this particular project will be able to connect to National Grid's infrastructure on the project site so that the project will actually be hidden from view.

9. Details for all required signage must be provided on the specification drawings.

STATUS: Provided.

DISCUSSION: Mr. Geraghty asked if any additional warning signage will be needed along the perimeter fence?

Mr. Mantell stated that he would check to see if any additional signage will be required.

10. If any of the components of the Solar Farm will be within 200' of a residential property line, then an Area Variance will need to be obtained from the Town of Perth ZBA.

STATUS: The applicants have indicated that there are two (2) adjacent properties where the solar panels will be less than 200' from the property

line and, consequently, an application to the ZBA will be submitted. The applicants also note that they have provided setback waivers and cooperation agreement letters from three (3) adjacent landowners.

DISCUSSION: Mr. Mantell pointed out that the applicants do have waivers from the two (2) property owners that will be within 200' of the solar panel infrastructure.

11. Elevation drawings for any equipment shelters, storage facilities, transformers, substations must be provided.

STATUS: Provided.

12. A minimum of one (1) parking space must be provided within each of the fenced-in areas making up the Solar Farm Project.

STATUS: Provided.

13. Some type of written confirmation must be provided from National Grid that the project, as proposed, can be tied into National Grid's infrastructure.

STATUS: The applicants have provided a Small Generator Interconnect Request Form that was submitted to National Grid.

14. The Decommissioning Plan for the project site will need to be amended.

STATUS: The applicants have not provided a cost breakdown for the project. However, the applicants have indicated that the bond amount will essentially be based on a NYSERDA formula which amounts to \$30,100 per megawatt, for a total of \$602,000. The 2.5% yearly escalation calculation for the term of the Lease Agreement has not been included in the decommissioning cost estimate.

DISCUSSION: Mr. Geraghty explained that the 2.5% escalation factor will need to be calculated for the term of the lease which is 25 years. He indicated that the Planning Board will then take that number and submit it to the Town Attorney and that is going to be the amount of the financial surety that will be required by the Town.

Mr. Beckner indicated that he hadn't yet included the escalation calculation because he wanted to see how much money he was going to have to play with as part of the overall project development.

Ms. Gutowski expressed some concern with where a potential construction access road will be located along County Highway 107 near Humphrey Lane.

Mr. Geraghty pointed out that Humphrey Lane, in its current condition, cannot be used as a construction entrance.

Both Mr. Beckner and Mr. Mantell agreed.

Mr. Skiff pointed out that he has a strip of land along Humphrey Road that could be used for a construction access road.

Ms. Gutowski stated that there is a home located very close to Humphrey Lane that was just recently purchased. She stated that she didn't feel it was appropriate for the applicants to build a construction entrance between Humphrey Road and that residence.

There was then a brief discussion concerning the length of time that the construction entrance would be used.

Mr. Beckner pointed out that construction on the project will probably take between 6 and 8 months. However, he also noted that the construction could be staged so that a construction entrance along County Highway 107 is only used for 1 or 2 months.

Mr. Geraghty stated that he would like to examine this issue a little closer tomorrow in the office and would let the applicants know how the Board wishes to proceed with this issue.

C. State Environmental Quality Review:

During its October 19, 2020 meeting, the Town of Perth Planning Board classified the proposed project as a Type 1 Action and proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR. Copies of the preliminary Site Plan drawings, along with the Full Environmental Assessment Form, were sent to other Involved Agencies asking that comments concerning the Planning Board's proposal to serve as Lead Agency or on the project itself be submitted, in writing, by Monday, November 16, 2020. To date, the Planning Board has received the following comments:

NYSDEC:

In a letter dated October 27, 2020, the NYSDEC concurs with the Town of Perth Planning Board's proposal to serve as the Lead Agency. NYSDEC notes that any disturbance of more than 1 acre of land will require a SPEDES General Permit for Stormwater Discharges from Construction Activities. NYSDEC also noted that portions of the project site contain Freshwater Wetland BR-31, a Class 2 Wetland. Any disturbance within that wetland or the 100' buffer will require an Article 24 Freshwater Wetlands Permit.

MOTION: Declaring the Town of Perth Planning Board the Lead Agency for the purpose of issuing a determination of significance for Suneast Limestone Solar's Special Permit application for a Solar Farm along Bishop Road.

MADE BY: Ron Cetnar
SECONDED: Mike Dimezza
VOTE: 5 in favor, 0 opposed.

FURTHER DISCUSSION: Mr. Dimezza stated that he didn't feel there would be any significant adverse environmental impacts.

Mr. Geraghty suggested that, given the amount of information that was presented to the Board, that they hold off on issuing a determination of significance until the Agricultural District property owners can be notified of the project and the County Planning Board can review the project and send its recommendation back to the Planning Board.

After a brief discussion, Board members agreed that the issuance of a determination of significance should be delayed until the February meeting.

MOTION: To table any SEQR action on SunEast Limestone Solar's Special Permit application pending receipt of comments from Agricultural District property owners and the Fulton County Planning Board.

MADE BY: Nichole Surrento
SECONDED: Tracy Gutowski
VOTE: 5 in favor, 0 opposed

E. Planning Board Action:

In accordance with Article 9 of the Town of Perth Zoning Law, the Planning Board shall hold a public hearing on a Special Use Permit application within sixty-two (62) days of the date the Planning Board determines that the application is complete. Consequently, does the Planning Board wish to schedule a public hearing on SunEast Limestone Solar, LLC's Special Permit application for a Solar Farm at this time?

DISCUSSION: Mr. Geraghty reminded Board members that the County Planning Board will meet next Tuesday morning so that a recommendation should be available before next month's Planning Board meeting. Likewise, Mr. Geraghty pointed out that Agricultural District property owners will be given approximately 25 days to comment on the project so that those comments can be considered during next month's meeting.

MOTION: To schedule a public hearing on SunEast Limestone Solar's Special Permit application for a Solar Farm Project along Bishop Road for 6:00 p.m., Monday, February 8, 2021.

MADE BY: Bob Gordon
SECONDED: Nichole Surrento
VOTE: 5 in favor, 0 opposed

V. ACTIVE SOLAR – SPECIAL USE PERMIT FOR SOLAR FARM ALONG NYS ROUTE 30:

A. Background:

Active Solar would like to construct a 3.5 AC megawatt Solar Farm along the east side of NYS Route 30 in the Town of Perth (Tax Map Parcel No. 178.-2-25). The parcel is currently owned by Adelbert Pooler and is approximately 27.1 acres in size. According to the applicant, the physical disturbance of the solar array will be approximately 5.85+/- acres.

DISCUSSION: Scott Price, MJ Engineering, introduced Sean McCleneghen, Active Solar Development LLC, to Board members. Mr. Price gave Planning Board members a brief background and overview of Active Solar's project. He pointed out that approximately 39.4% of the lot will be covered by the Solar Farm Project. He pointed out that the properties adjacent to the project site along NYS Route 30 are a mix of commercial and residential uses.

Mr. Dimezza asked if there is any natural screening behind the homes along Route 30?

Mr. Price indicated that there is a treeline behind the properties on Route 30.

Ms. Surrento pointed out that the treeline is not very dense.

Mr. Price agreed, but noted that the applicants are proposing to create berms behind the treeline and to install 4 to 6 foot tall plantings that will help screen the project from lower angles.

Ms. Gutowski pointed out that there appears to be a gap in the treeline near the wetland area.

Mr. Price confirmed that there are wetlands on the project site that the applicant will need to avoid.

B. Planning Department Review:

The Fulton County Planning Department has reviewed the Site Plan drawing in accordance with Article 13 of the Town of Perth Zoning Law, which specifically outlines the submittal requirements and design standards for a Solar Farm Project.

1. The blueprints or drawings of the solar photovoltaic installation signed by a licensed professional engineer showing the proposed layout of the system and any potential shading from nearby structures.

STATUS: Provided.

2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.

STATUS: Provided.

3. A description of the Solar Farm facility and the technical, economic and other reasons for the proposed location and design shall be prepared and signed by a professional licensed engineer.

STATUS: Provided.

4. Confirmation prepared and signed by a licensed professional engineer that the Solar Farm complies with all applicable federal and State standards.

STATUS: Provided.

5. One or 3-line electrical diagram detailing the Solar Farm layout, solar collector installation, associated components and electrical interconnection methods with all national electrical code compliant disconnects and over-current devices.

STATUS: Not provided.

DISCUSSION: Mr. Geraghty suggested that the electrical diagrams be provided directly to Town Code Enforcement Officer Mark Concilla.

6. Documentation of the major system components to be used, including the photovoltaic panels, mounting system and inverter.

STATUS: ?

DISCUSSION: Mr. Geraghty stated that the Planning Board typically receives specification sheets showing the types of panels and mounting systems that are being proposed.

Mr. Price indicated that he would provide those specifications for the Planning Board.

7. An Operation and Maintenance Plan, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

STATUS: Provided.

DISCUSSION: The Planning Board had no comments concerning the Operation and Maintenance Plan.

8. Information on noise (inverter) and reflectivity glare of solar panels and identified potential impacts to abutters.

STATUS: Not provided.

DISCUSSION: Mr. Geraghty explained that the Planning Board eventually wants to find out how far away a person has to be from the inverters before the noise is essentially ambient sound?

Mr. Price indicated that he would provide a description of the noise levels associated with the inverter.

C. Minimum Requirements:

Article 13 includes Minimum Requirements and additional conditions that must be met for any Solar Farm project. Based on those requirements, the following issues still need to be addressed:

1. The term of the Lease Agreement with the property owner should be identified.

DISCUSSION: Mr. McCleneghen indicated that he would provide the lease information for the Planning Board.

Ms. Surrento asked if the project could be pushed further back on the site in order to increase the distance from the property owners along Route 30?

Mr. Price explained that, given the wetland locations on the project site, the present positioning of the solar array provides the least impacts to the wetland areas.

2. All mechanical equipment on the Solar Farm including any structure for battery or storage cells must be completely enclosed by a minimum 8' high fence with a self-locking gate.
3. A vegetated perimeter buffer that provides year round screening of the system from adjacent properties must be provided.

DISCUSSION: Both Mr. Gordon and Mr. Dimezza stated that, not only would they like to see visual representations of the project from Route 30, but they would like to see a "reverse" visual provided that shows the views of the backs of the residences from the edge of the solar field.

Mr. Dimezza asked if there is another way to tie into National Grid's infrastructure other than providing a cluster of poles near the road?

Mr. McCleneghen pointed out that the tie in procedure and location is essentially dictated by National Grid. He stated that he would like to be able to avoid the use of a bucket truck and simply place a transformer pad at another location on the site but, unfortunately, that decision is not left up to him.

Mr. Dimezza stated that he would like to see some additional landscaping provided along the access road so that the first house north of the access road is visually buffered from the project.

Mr. Gordon then asked if the inverter location could be moved so that it isn't as close to the residential property owners as currently shown?

Mr. McCleneghen stated that he believed the inverter could be moved to a location further away from those residences in order to alleviate the Planning Board's concerns with noise from the inverter.

4. Because of neighborhood characteristics and topography, the Planning Board shall examine the proposed location of a Solar Farm development on a case-by-case basis. The Planning Board must ensure that the potential impact to residents, businesses, and traffic are not a detriment.

DISCUSSION: Planning Board members agreed that the development of any Solar Farm Project must not alter the character of a neighborhood.

5. All solar energy system components must have a 50' setback from property lines unless abutting a residential use in which case it shall be located a minimum of 200' from property lines.

DISCUSSION: Both Mr. Price and Mr. McCleneghen pointed out that a 200' setback has been maintained from all properties along NYS Route 30.

6. Details on all required signage must be provided on the specification drawings for the project.

DISCUSSION: Mr. Price stated that he would include all of the signage details on the next submittal.

7. Elevation drawings for any equipment shelters, storage facilities, transformers, substations must be provided.

DISCUSSION: Mr. Price indicated that he would provide an elevation drawing on the next submittal.

8. If any lighting is to be provided for the project, location and design of those lights must be identified.

DISCUSSION: Mr. McCleneghen indicated that there will be no additional lighting on the project site.

9. There shall be a minimum of one (1) parking space to be used in connection with the maintenance of the solar photovoltaic facility and the site.

DISCUSSION: Mr. Geraghty pointed out that the Planning Board typically asks that a turnaround area also be provided outside of the gate so that heavy equipment can turn around and not have to back out onto a State road.

10. Confirmation must be provided from National Grid that the project, as proposed, can be tied into National Grid's infrastructure.

DISCUSSION: Mr. Price indicated that he would provide the Planning Board with confirmation from National Grid.

11. A Decommissioning Plan for the project site will need to be amended. The Town of Perth requires that the Decommissioning Plan identify the present-day cost estimate to completely decommission the site. The Town of Perth is not in the business of salvage and does not allow salvage costs to be deducted from that decommissioning estimate. The decommissioning estimate then must be multiplied by a 2.5% inflation factor over the course of the entire Lease term to determine the amount of financial surety that will be required for the project.

DISCUSSION: Mr. Geraghty explained how the Town of Perth Planning Board expects the decommissioning bond estimate to be calculated. He noted that the applicant has proposed a \$95,000 1-time payment to the Town for decommissioning. He explained that the Town expects to have the decommissioning cost estimate calculated the same as it has for all of its projects. He pointed out that the Town is not interested in the salvage

value of the panels, so that the salvage costs should be removed from the calculations.

Mr. Gordon asked if some type of berm and screening can be provided along the access driveway?

Both Mr. Price and Mr. McCleneghen pointed out that there are some limitations on the screening of property near a road entrance. They explained that there are sight distance issues that may be adversely impacted if screening is provided. They also pointed out that the NYSDOT right-of-way actually extends a fairly significant distance into the access driveway.

Mr. Cetnar asked if some type of mesh can be provided on the fenceline near the wetland area so that the residences along NYS Route 30 are provided with at least some form of screening?

Mr. McCleneghen indicated that some type of mesh material could be installed on the fenceline.

D. State Environmental Quality Review:

Section 617.1 of 6 NYCRR states that, the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of State, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment, and if it is determined that the actions may have a significant effect, prepare or request an environmental impact statement. Under these terms, the review of a subdivision application is subject to SEQR. Therefore, the following issues must be addressed:

1. Does the Planning Board feel that the Full Environmental Assessment Form, provided by the applicant, has been completed adequately?

DISCUSSION: Mr. Price handed Board members a Full Environmental Assessment Form as a replacement to the Short Environmental Assessment Form that was provided in the Planning Board's packets. He indicated that the attachments to the original Short Environmental Assessment Form should be kept by Board members.

Mr. Geraghty asked Board members if they were comfortable allowing him to go through the Full Environmental Assessment Form before sending it to other Involved Agencies?

There was a general consensus among Board members that Mr. Geraghty should be allowed to review the form for completeness before sending it out to other Involved Agencies.

2. Does the Planning Board feel that any additional information should be provided as part of the SEQR process?

DISCUSSION: The Planning Board did not ask for any additional information with the form. Mr. Geraghty pointed out that any attachments provided by the applicants will be included with the Full Environmental Assessment Form.

3. Section 617.6 (b) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type 1 Action or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must as soon as possible transmit Part 1 of the EAF, completed by the Project Sponsor, or a Draft EIS and a copy of any application it has received to all Involved Agencies and notify them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date the EAF or Draft EIS was transmitted to them.

MOTION: Classifying the proposed project as a Type 1 Action and proposing that the Town of Perth Planning Board act as the Lead Agency for the purpose of issuing a determination of significance under SEQR and to offer each Involved Agency twenty-five (25) calendar days to comment on the Board's proposal to act as Lead Agency or on the project itself.

MADE BY: Ron Cetnar
SECONDED: Mike Dimezza
VOTE: 5 in favor, 0 opposed

F. Planning Board Action:

In accordance with Article 9 of the Town of Perth Zoning Law, the Planning Board shall hold a public hearing on a Special Use Permit application within sixty-two (62) days of the date the Planning Board determines that the application is complete. Consequently, does the Planning Board wish to schedule a public hearing on Active Solar's Special Permit application for a Solar Farm at this time?

DISCUSSION: After briefly discussing the matter, Board members felt that they would like to see comments back from Involved Agencies, as well as a recommendation from the County Planning Board, before scheduling a public hearing on the Special Use Permit application.

MOTION: To table any action on Active Solar's Special Use Permit application for a Solar Farm along NYS Route 30 pending receipt of additional feedback.

MADE BY: Mike Dimezza
SECONDED: Tracy Gutowski
VOTE: 5 in favor, 0 opposed

VI. OTHER BUSINESS:

A. Chairman's Update:

1. Training:

Mr. Cetnar pointed out that the New York Municipal Insurance Reciprocal (NYMIR) will no longer be offering training for local Planning and Zoning Board members. Mr. Cetnar stated that he forwarded a link to Planning Board members for an upcoming training that is being provided by the New York Planning Federation. He urged Board members to take advantage of any online offerings that are available to them.

2. Tryon:

Mr. Cetnar asked Mr. Geraghty if there was any new information on the Tryon Technology Park?

Mr. Geraghty stated that, earlier in the day, the IDA had a closing for the property along the south side of County Highway 107. Mr. Geraghty speculated that, in the near future, the Planning Board may see a project for that piece of property.

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:46 p.m.

MADE BY: Nichole Surrento
SECONDED: Tracy Gutowski
VOTE: 5 in favor, 0 opposed