

**TOWN OF PERTH PLANNING BOARD
JANUARY 27, 2020
6:00 P.M.
PERTH TOWN HALL**

MEETING NOTES

PRESENT:

**RON CETNAR, CHAIRMAN
FRAN SIKORSKI, VICE CHAIRMAN
JEFF GREEN
MICHAEL DIMEZZA
TRACY GUTOWSKI**

SEAN M. GERAGHTY, SR. PLANNER

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:01 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

DISCUSSION: Planning Board Chairman Ron Cetnar pointed out a misspelling of the word “draft” on page 9 of the December 16, 2019 meeting notes.

MOTION: To approve the minutes to the December 16, 2019 meeting.

MADE BY: Mike Dimezza

SECONDED: Tracy Gutowski

VOTE: 5 in favor, 0 opposed

III. SOLAR PARK ENERGY 15 – FINAL DECISION ON SPECIAL USE PERMIT FOR SOLAR FARM ALONG NYS ROUTE 30:

A. Background:

Solar Park Energy 15 would like to construct a 9.5 megawatt AC Solar Farm along the east side of NYS Route 30 in the Town of Perth (Tax Map Parcel No. 178.-2-29.1). The existing parcel is approximately 86.51 acres in size and is owned by Zynobia Holding Company, LLC of Amsterdam, NY.

B. December 16, 2019 Meeting:

During its December 16, 2019 meeting, the Town of Perth Planning Board held a public hearing on Solar Park Energy's Special Use Permit for a Solar Farm Project along NYS Route 30. Following the public hearing, the Planning Board determined that additional information still needed to be submitted by the applicants and, consequently, final action on the application was tabled. Following the meeting, a letter was sent to the applicant's engineers asking that the following information be provided prior to this evening's meeting:

1. Any additional correspondence from the U.S. Army Corps of Engineers regarding the Solar Farm Project should be provided for the Planning Board's records.

STATUS: Provided.

DISCUSSION: Mr. Dave Ingalls, P.E., representing the applicant, provided Board members with a copy of the final wetlands correspondence from the Army Corps of Engineers. The Planning Board had no comments or questions regarding the documentation.

2. The Planning Board has asked that additional landscaping be provided along the western boundary of the project site in order to completely screen the project from NYS Route 30 and from any adjacent residential properties.

STATUS: The number of total plantings has been increased from 67 to 198. The applicants are proposing to plant both Norway Spruce and White Pine 8' in height at intervals of 10' on center.

DISCUSSION: County Planning Consultant Sean Geraghty pointed out that the increase in plantings seems to address the County Planning Board's recommendation that the project be completely screened from NYS Route 30 and adjacent residential properties. He noted that the species recommended by the County Planning Board have also been used in the Landscaping Plan.

Board members discussed the spacing and arrangement of the plantings and also talked about how the plantings will eventually provide an effective screen for the project.

Planning Board Chairman Ron Cetnar asked how the plantings will be maintained?

Mr. Geraghty pointed out that the Preliminary Maintenance Plan for the project has not been finalized. He indicated that a final Operation and Maintenance Plan will need to be submitted by the Applicant. He

specifically mentioned the vegetative plan, which is Exhibit E in the Maintenance Plan and has not yet been included in the document.

Mr. Ingalls indicated that language will be added to the Operation and Maintenance Plan indicating that the applicants will be responsible for maintaining the plantings.

Mr. Geraghty asked Board members how long they would like the applicant's warranty on the plantings to be?

After a brief discussion, the Planning Board felt that a 2-year warranty on all plantings should be written into the Operation and Maintenance Plan.

Planning Board Member Mike Dimezza asked if Solar Park Energy has an approval in place from NYSERDA?

Mr. Ingalls explained that companies typically don't complete their final application with NYSERDA until the CESIR process has been completed with National Grid and the State Environmental Quality Review process has been completed by the local approving authority.

Mr. Dimezza pointed out that there seems to be a lengthy review time by NYSERDA that may delay the project.

Mr. Geraghty pointed out that Solar Park Energy's Project is considered a Community Solar Project and it has been his experience that these projects are approved relatively quickly. He referenced a recent project on Hales Mills Road in the Town of Johnstown.

Mr. Ingalls agreed and indicated that his clients would like to start construction on this particular Solar Farm Project later this year.

3. The Town of Perth Fire Chief Peter Watrobski asked the Planning Board to require unhindered access around the perimeter of the fenceline to the project site. The Planning Board asked that the applicant provide some type of option for addressing this access request from Chief Watrobski.

STATUS: A notation has been made on the revised drawings showing a 10' mowed area around the perimeter of the fenceline on the north, west and east sides of the project site. The applicant has noted that there are wetlands along the south side and vegetation that is being left in place as a visual buffer. However, the applicants also noted that there is a stone roadway that will traverse the length of the south side of the property and an additional gate has been added on the southeast corner of the project site.

DISCUSSION: There was a general consensus among Board members that the applicant has made an acceptable effort to address Perth Fire Chief Peter Watrobski's access concerns around the perimeter of the project site.

Planning Board Member Fran Sikorski indicated that he recently was looking at the property from the adjacent Hess property along NYS Route 30. Mr. Sikorski pointed out that the existing driveway seems to pass through a wetland area.

Mr. Ingalls confirmed that the existing property does run through a wetlands area. He indicated that there is a culvert running beneath the driveway to allow water to flow.

Mr. Sikorski pointed out that if the culvert gets clogged, it will really back up a significant portion of the property.

Mr. Ingalls agreed and pointed out that the Maintenance Plan will address how the culverts, as well as others structures on the property, will be maintained by the applicants.

4. A notation should be added to the drawings indicating that a Knox Box will be provided for emergency access.

STATUS: Provided.

DISCUSSION: The Planning Board had no questions concerning the Knox Box location.

5. A staging area should be identified for the construction phase of the project.

STATUS: A 150' x 150' temporary staging area has been added to the Site Plan which will be restored upon completion of construction.

DISCUSSION: The Planning Board was comfortable with the proposed temporary Staging Area.

6. The Decommissioning Plan cost estimates for the site should be reexamined. Both the County Planning Department and the Town Code Enforcement Office have expressed concern with the initial cost estimate for decommissioning the site.

STATUS: The Decommissioning Plan for the site has been revised. The present-day value to decommission the site has been increased from \$199,278 to \$250,980. When this revised estimate is stretched out for 25 years with a 2.5% annual inflation increase, the total cost to decommission the site 25 years from now is now estimated at \$465,302.89 as opposed to the original estimate of \$369,450.27.

DISCUSSION: Mr. Geraghty indicated that he reached out to the Town Code Enforcement Office regarding the decommissioning cost estimates. He indicated that Town Code Enforcement Officer Mark Concilla has some reservations concerning those cost estimates. He indicated that Mr. Concilla has contacted a few contractors and has had discussions with the Town Supervisor and the Town Attorney regarding the decommissioning estimate.

Mr. Cetnar asked if the Planning Board can request that an Independent Engineering Estimate be provided for the decommissioning cost?

Mr. Geraghty stated that there is language in the Town's Zoning Code that authorizes the Planning Board to hire a consultant, at the expense of the applicant, to provide information that is not readily available to the Board. He stated that Town Code Enforcement Officer Mark Concilla has recommended that the Planning Board do this.

Mr. Ingalls stated that he would rather see the Planning Board consider decommissioning cost estimates from other projects and allow his client to offer a revised proposal in an effort to avoid the time delays that would be associated with hiring an independent engineering firm to examine the proposed decommissioning cost.

There was then a lengthy discussion concerning the decommissioning cost estimate.

Mr. Ingalls suggested that his clients may be willing to agree with a cost per megawatt that is similar to the other Solar Farm Project in the Town of Perth.

Mr. Geraghty stated that he would do some research and find out what the cost per megawatt to decommission the site was estimated at for the Solar Farm Project that was completed on the Murphy property along NYS Route 30.

Both Mr. Ingalls and the Planning Board agreed that, if Solar Park Energy agrees to a similar per megawatt cost estimate, then the final details for that Decommissioning Plan can be completed.

C. State Environmental Quality Review:

During its December 16, 2019 meeting, the Town of Perth Planning Board reviewed the comments it received, as part of the Coordinated SEQR Review, from the NYSDEC and the NYSDOT. At that time, the Planning Board declared itself the Lead Agency for the purpose of issuing a determination of significance under SEQR for the Solar Farm Project. Based on the

comments the Planning Board received from the other Involved Agencies and after reviewing the revised Site Plan drawings, the Planning Board decided to table the issuance of a determination of significance on the action, pending receipt of additional information regarding the potential aesthetic impacts of the project.

DISCUSSION: Mr. Geraghty pointed out that, since the applicant has addressed the aesthetic concerns for the project, there does not appear to be any outstanding potential adverse impacts associated with the project. Planning Board members agreed and felt a determination of significance could be authorized.

MOTION: Authorizing the filing of a negative declaration under SEQR for Solar Park Energy's Solar Farm Project along NYS Route 30 since:

1. Given the positioning of the solar fields off of public roads and the landscaping that is to be provided by the applicants, there will be very limited aesthetic impacts.
2. The project can easily be tied into the National Grid substation that is located adjacent to the project site.
3. Wetlands impacts will be mitigated by using installation methods that have been endorsed by the U.S. Army Corps of Engineers.
4. There are no traffic implications that will result from the proposed project.
5. Emergency access in and around the facility has been addressed and will become part of the overall Maintenance Plan.

MADE BY: Fran Sikorski
SECONDED: Tracy Gutowski
VOTE: 5 in favor, 0 opposed

D. Planning Board Action:

In accordance with Article 9 of the Town of Perth Zoning Law, the Planning Board shall grant, deny or grant subject to conditions the application for a Special Use Permit within sixty-two (62) days after the hearing.

DISCUSSION: Mr. Ingalls asked if the Planning Board would be willing to offer a conditional approval of the project with the understanding that the decommissioning cost estimate for the project will need to be agreed upon by all parties involved?

There was a general consensus among Board members that, if the applicant is willing to provide a decommissioning estimate that is similar

on a cost per megawatt basis to the Solar Farm Project that was developed on the Murphy property along NYS Route 30, then the Board could agree to a conditional approval.

MOTION: Conditionally approving Solar Park Energy's Solar Farm Project along NYS Route 30 with the following stipulations:

1. The final Decommissioning Plan and cost estimates for the site must be agreed upon by the Planning Board and applicant.
2. The Operation and Maintenance Plan for the site must be completed and must include language identifying a 2-year warranty on all plantings to be provided as part of the Landscaping Plan.
3. All plantings associated with the Landscaping Plan must be installed prior to any construction on the project site.

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

IV. OTHER BUSINESS:

A. Chairman's Update:

1. February Meeting Date:

Mr. Cetnar reminded Board members that the February meeting of the Planning Board lands on a federal holiday. He asked Board members if they preferred to meet on the 2nd or 4th Monday of February? There was a general consensus amongst Board members that the next Planning Board meeting should take place on Monday, February 24, 2020.

2. Training:

Mr. Cetnar indicated that the training sessions sponsored by Saratoga County will take place later this week. He indicated that there are a few members going to those sessions. He suggested that those individuals arrive early in order to secure parking.

Mr. Geraghty pointed out that this year's local training sessions at FMCC will take place from 5-9 p.m., Wednesday, February 26, 2020, in the recently-renovated Theater at the College. He indicated that those attending the local sessions will receive four (4) hours of training.

B. Tryon Technology Park:

Mr. Geraghty stated that the potential distribution center project that has been discussed for the Tryon Technology Park appears to be over. He pointed out that the development company has decided not to renew a Purchase Agreement with the Fulton County Industrial Development Agency (IDA) for the site, and the IDA subsequently began marketing the site once again.

Mr. Geraghty stated that there are a couple of entities interested in developing a project on the Tryon property located on the south side of County Highway 107. Mr. Geraghty speculated that one or both of those entities may appear before the Board in the coming months to discuss a concept for developing that particular site.

V. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:42 p.m.

MADE BY: Tracy Gutowski

SECONDED: Jeff Green

VOTE: 5 in favor, 0 opposed