

**TOWN OF PERTH PLANNING BOARD
OCTOBER 19, 2020
6:00 P.M.
PERTH TOWN HALL**

AGENDA

PRESENT:

_____ **RON CETNAR, CHAIRMAN**
_____ **FRAN SIKORSKI, VICE CHAIRMAN**
_____ **BOB GORDON**
_____ **JEFF GREEN**
_____ **NICHOLE SURENTO**
_____ **MICHAEL DIMEZZA**
_____ **TRACY GUTOWSKI**

_____ **SEAN M. GERAGHTY, SR. PLANNER**

I. CALL MEETING TO ORDER:

The meeting was called to order at _____ p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

DISCUSSION:

MOTION: To approve the minutes to the September 21, 2020 meeting.

MADE BY:

SECONDED:

VOTE:

III. ALEKSANDR LENSKY – SITE PLAN FOR AUTO SALES OFFICE:

A. Background:

Aleksandr Lensky would like to use a piece of property owned by Thomas and Stella Vera along NYS Route 30 for an auto sales office (Tax Map Parcel No. 178.2-1-14.2). The owner’s property is approximately .4+/- acres in size and has an existing 1,500+/- sq. ft. building on the site along with a blacktopped parking area. The applicant is proposing to use the building as a sales office and is showing 20 vehicles displayed on the property along with two (2) customer parking spaces.

B. September 21, 2020 Meeting:

During its September 21, 2020 meeting, the Town of Perth Planning Board began reviewing Aleksandr Lensky’s Site Plan application for an auto sales office along NYS Route 30. At that time, the Planning Board asked that the following information be provided prior to the Planning Board issuing its final decision:

1. The actual property boundary for the tax parcel should be shown.

STATUS: Provided.

DISCUSSION:

2. The location of the existing well and septic field servicing the building on the property should be identified.

STATUS: Provided.

DISCUSSION:

3. The hours of operation for the sales office should be noted.

STATUS: Provided.

4. The dimensions of all of the inventory parking spaces should be noted on the drawing. A maximum number of vehicles to be displayed on the property should be stated.

STATUS: There are 20 vehicle display spaces shown on the drawing, along with two (2) customer parking spaces. A notation has been made on the Site Plan indicating that a maximum of 20 vehicles will be displayed on the property.

DISCUSSION:

5. The size and design of the sign to be used to advertise the business should be identified.

STATUS: Provided.

DISCUSSION:

C. Planning Board Action:

In accordance with Article 10, Section C(8), the Planning Board must issue its final decision within sixty-two (62) days of its acceptance of a complete application.

DISCUSSION:

MOTION:

MADE BY:

SECONDED:

VOTE:

IV. SOLAR PARK ENERGY, LLC/ROSE INDUSTRIES, LLC – PUBLIC HEARING ON SUBDIVISION AND SPECIAL PERMIT FOR A SOLAR FARM ALONG NYS ROUTE 30:

A. Background:

Solar Park Energy would like to construct a 5 megawatt AC Solar Farm along the west side of NYS Route 30 in the Town of Perth (Tax Map Parcel Nos. 178.-2-52, 189.-1-13.111, 189.-1-13.112, 189.-1-14.11, 189.-1-14.12 and 189.-1-17.2). The total amount of property available on the six (6) parcels is approximately 127.1+/- acres. As part of the project, a 52+/- acre parcel will be subdivided in an effort to create the project site.

B. September 21, 2020 Meeting:

During its September 21, 2020 meeting, the Town of Perth Planning Board began reviewing Solar Park Energy's subdivision and Special Permit applications for a Solar Farm Project along NYS Route 30. At that time, the Planning Board asked that the following information be provided on a revised submittal prior to the public hearing:

1. A clearer description of the proposed subdivision of the property needs to be provided.

STATUS: A revised subdivision plat has been provided as part of the submittal. The revised plat shows two (2) new lots along with a leased area.

DISCUSSION:

2. One or 3-line electrical diagrams detailing the Solar Farm layout.

STATUS: A 3-line diagram has been submitted.

DISCUSSION:

3. Documentation of the major system components to be used, including the photovoltaic panels, mounting systems and inverters must be provided.

STATUS: The specification sheets for the mounting systems have not been provided.

DISCUSSION:

4. Language should be added to the Operation and Maintenance Plan indicating that the plantings provided as part of the Landscaping Plan will be warranted for the life of the facility.

STATUS: Provided.

DISCUSSION:

5. Information on noise (inverter) should be provided.

STATUS: ?

DISCUSSION:

6. The eventual ownership interest in the properties/proposed Lease Agreement must be provided for the Planning Board.

STATUS: ?

DISCUSSION:

7. Details regarding the Landscaping Plan and the Planting Schedule must be provided for the Planning Board.

STATUS: A Landscaping Plan has not been provided. Details concerning the landscaping that is shown on the Site Plan are incorrect and a Planting Schedule has not been included with the submittal.

DISCUSSION:

8. The Planning Board asked that some type of markers be placed on the property to identify the corners of the Solar Farm facility so that the Planning Board can get a visual perspective from McKay Road.

STATUS: The applicant's engineer has indicated that markers have been added to the western corners of the solar array. A rendering from McKay Road has also been provided.

DISCUSSION:

9. Details regarding the grounding of the fencing around the facility should be provided.

STATUS: The applicant's engineer indicates that, per NEC Guidelines, the chain link fence shall be bonded with a grounding electrode system where necessary.

DISCUSSION:

10. A pull-off area outside of the fenced area should be provided so that vehicles do not have to back out onto NYS Route 30.

STATUS: Provided.

DISCUSSION:

11. The tie-in location to National Grid's infrastructure along NYS Route 30 should be identified.

STATUS: The tie-in location has been shown approximately 450' off of NYS Route 30.

DISCUSSION:

12. An elevation drawing of the equipment shelters, storage facilities, transformers and substations must be provided.

STATUS: ?

DISCUSSION:

13. The Decommissioning Plan for the project needed to be amended.

STATUS: ?

DISCUSSION:

14. Written confirmation must be provided from National Grid that the project, as proposed, can be tied into National Grid's infrastructure.

STATUS: ?

DISCUSSION:

C. State Environmental Quality Review:

During its September 21, 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 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, October 19, 2020.

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

NYSDEC:

In a letter dated October 1, 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 notes that the "Sedge Wren", a threatened species, may be in the project area and has suggested that the New York Natural Heritage Program be contacted.

DISCUSSION:

NYSDOT:

In an email dated October 15, 2020, the NYSDOT concurred with the Town of Perth Planning Board's proposal to serve as the Lead Agency. NYSDOT offered a list of ten (10) items that the applicants will need to address during the Highway Work Permit process.

DISCUSSION:

MOTION: Declaring the Town of Perth Planning Board the Lead Agency for the purpose of issuing a determination of significance under SEQR for Solar Park Energy's Solar Farm Project along NYS Route 30.

MADE BY:
SECONDED:
VOTE:

FURTHER DISCUSSION:

MOTION:

MADE BY:
SECONDED:
VOTE:

E. Public Hearing:

1. The public hearing was opened at ____P.M.
2. Speakers:

3. The public hearing was closed at ____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 subdivision plat for a minor subdivision, shall by resolution, conditionally approve, with or without modification, disapprove or grant final approval of the proposed subdivision plat.

DISCUSSION:

MOTION:

MADE BY:

SECONDED:

VOTE:

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

DISCUSSION:

MOTION:

MADE BY:

SECONDED:

VOTE:

V. 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.

DISCUSSION:

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: Not provided.

DISCUSSION:

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: Provided.

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

STATUS: Provided.

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: ?

DISCUSSION:

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

STATUS: Not provided.

DISCUSSION:

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. Ownership interest in the property/proposed Lease Agreement must be provided.

STATUS: The term of the lease will need to be identified. Also, the option to lease only includes two (2) of the parcels making up the project site.

DISCUSSION:

2. The applicants are proposing 14' high modules so they will need to seek an Area Variance from the Town of Perth Zoning Board of Appeals (ZBA), since the Town Zoning Law limits panel height to 8'.

DISCUSSION:

3. The applicants are required to install a vegetated perimeter buffer that will provide year round screening of the system from adjacent properties.

DISCUSSION:

4. Because of neighborhood characteristics and topography, the Planning Board shall examine the proposed location on a case-by-case basis, ensuring the potential impact to its residents, businesses, or traffic are not a detriment.

DISCUSSION:

5. All onsite utility and transmission lines, to the extent feasible, must be placed underground. Additionally, details explaining how the facility will be tied into National Grid's infrastructure should be identified.

DISCUSSION:

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

DISCUSSION:

7. All solar energy system components must be located at least 200' from a residential property line. It does not appear as though all of the Solar Farm components can maintain that setback distance?

DISCUSSION:

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

DISCUSSION:

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

DISCUSSION:

10. A minimum one (1) parking space must be provided within the Solar Farm facility for maintenance purposes.

DISCUSSION:

11. Written confirmation must be provided from National Grid that the project, as proposed, can be tied into National Grid's infrastructure.

DISCUSSION:

12. 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:

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:

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

DISCUSSION:

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.

DISCUSSION:

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:

SECONDED:

VOTE:

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:

MOTION:

MADE BY:

SECONDED:

VOTE:

VI. OTHER BUSINESS:

A. Chairman's Update:

(Ron Cetnar, Chairman)

B. Code Enforcement Update:

(Mark Concilla, Code Enforcement Officer)

C. ?

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at ____ p.m.

MADE BY:

SECONDED:

VOTE: