

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

MEETING NOTES

PRESENT:

**RON CETNAR, CHAIRMAN
FRAN SIKORSKI, VICE CHAIRMAN
NICHOLE SURENTO
MICHAEL DIMEZZA**

**SEAN M. GERAGHTY, SR. PLANNER
MARK CONCILLA, CODE ENFORCEMENT OFFICER**

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:00 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

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

MADE BY: Nichole Surento

SECONDED: Fran Sikorski

VOTE: 4 in favor, 0 opposed

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.

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

STATUS: Provided.

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: The Planning Board was satisfied with the 20 vehicle maximum for the property.

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

STATUS: Provided.

DISCUSSION: The Planning Board had no further comments regarding the revised submission.

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.

MOTION: To approve Aleksandr Lensky's Site Plan for an auto sales office on NYS Route 30.

MADE BY: Michael Dimezza

SECONDED: Fran Sikorski

VOTE: 4 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.

DISCUSSION: Mike Mantell, P.E., Stantec Engineering, gave a brief overview of the SunEast Limestone Project. He pointed out that SunEast has developed over 4,000 megawatts of solar projects and operates 13 20+ megawatt facilities. He indicated that this particular project will be installed on existing farmland with the existing residence and buildings remaining on the site. He stated that there will be six (6) fenced-in areas that will occupy approximately 138+/- acres of the site. He indicated that SunEast will be using a single-access tracking system that will rotate throughout the day. He pointed out that SunEast will be looking to have two (2) access driveways along Sacandaga Road and one (1) along County Highway 107. Mr. Mantell noted that there is a NYSDEC wetland on the project site, but the facility will have no impact on the wetland or on the 100' buffer area. Mr. Mantell talked briefly about some of the landscaping that will be provided as a buffer from adjacent residential properties. He indicated that SunEast will do its best to utilize the existing vegetation to screen the project. He indicated that SunEast will be seeking two (2) Area Variances from the Town of Perth Zoning Board of Appeals (ZBA), including a panel height of 14' and a setback of 96' from an adjacent residential property.

Planning Board Member Mike Dimezza indicated that he felt the Site Plan drawings were very busy and somewhat confusing given the way the information was displayed. He stated that his greatest concern with the project will be its visibility from County Highway 107 and Sacandaga Road. He indicated that the applicants will need to propose a berm and tree plantings that will completely screen the project from view.

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: Mr. Geraghty explained that the Planning Board typically sees some type of Executive Summary that briefly describes the entire project. He pointed out that there are brief descriptions of the different components of the project on the Full Environmental Assessment Form, Stormwater Pollution Prevention Plan and the Decommissioning Plan, but, typically, the Planning Board has a separate document that briefly outlines the entire project.

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: Mr. Mantell indicated that he typically provides an Operation and Maintenance Plan for the facility when he seeks a Building Permit from the Code Enforcement Office and a contractor has been hired for the maintenance and operations component.

Mr. Geraghty stated that the Town of Perth Planning Board requires an Operation and Maintenance Plan to be submitted as part of the Special Permit application package.

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

STATUS: Not provided.

DISCUSSION: The Planning Board indicated that information on the inverter noise will need to be provided.

Planning Board Chairman Ron Cetnar stated that, given the size of the project and the fact that the panels will be rotating, he felt a glare analysis should be provided for the project.

Mr. Mantell talked briefly about some visuals he would be willing to provide for the project at various points along Sacandaga Road.

Mr. Dimezza indicated that he felt visuals should be provided along the entire length of Sacandaga Road to make sure that the facility is not visible from any point along that road. Mr. Dimezza stated that he drives along Sacandaga Road every day and knows that the project site is very visible from several vantage points. Mr. Dimezza stated that the proposed Solar Farm is essentially a 180 degree project, meaning that it will be very visible along both Sacandaga Road and County Highway 107.

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: Mike Beckner, SunEast Limestone Solar, indicated that he believed the term of the lease will be 25 years with three (3) five-year extensions. He explained that the lease option that was submitted to the Planning Board was an amendment to the original lease option, so he will provide the Board with a copy of the original lease option that references the other parcel.

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: Mr. Mantell stated that the 14' high modules are typical for this size commercial project.

Mr. Geraghty pointed out that, while 14' high panels may be typical for very large Solar Farm Projects, they have not been typical for the projects that have thus far been proposed in the Town of Perth and elsewhere in Fulton County.

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

DISCUSSION: The Planning Board briefly talked about the landscaping that will be requested for the project.

Mr. Dimezza, once again, pointed out that the Planning Board has been very consistent with its insistence that these projects be 100% screened.

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: Mr. Geraghty pointed out that the Planning Board recognizes that the project locations for every Solar Farm project are

different and, therefore, the Board has to consider how each particular project will impact the surrounding property owners.

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: Mr. Mantell confirmed that a substation will be constructed on the site in order to handle the energy generated by the proposed Solar Farm. He stated that, as additional details become available from National Grid, he will provide them to the Planning Board.

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

DISCUSSION: Mr. Mantell indicated that he could show the signage on the detail sheets.

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: Mr. Mantell had a question concerning a setback from a property along Sacandaga Road which looks like a building lot, but currently does not have any residence on it.

Mr. Geraghty asked Town Code Enforcement Officer Mark Concilla if he felt the 200' setback from a residential property is required for a lot that does not currently have a residence on it?

Mr. Concilla stated that he believed the 200' setback is relevant since the lot is located in a Residential District and is a legal building lot.

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

DISCUSSION: Mr. Geraghty stated that there will be inverters on the project site and, typically, the Planning Board asks that an elevation drawing for the equipment on the inverter pad be provided on the detail sheets.

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

DISCUSSION: Mr. Mantell stated that no new lighting will be proposed as part of the project.

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

DISCUSSION: Mr. Geraghty pointed out that, given the fact that there will be six (6) separate fenced-in areas on the project site, a parking space should be provided within each of those fenced-in areas.

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

DISCUSSION: Both Mr. Mantell and Mr. Beckner indicated that they would provide some type of correspondence from National Grid.

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: Mr. Geraghty explained how the Planning Board wishes to have the decommissioning estimate prepared.

Mr. Mantell indicated that the financial surety may be a very large number.

Mr. Geraghty agreed but pointed out that SunEast is proposing a very large project to the Town of Perth.

Mr. Dimezza, once again, talked about the applicant's need to provide substantial screening along County Highway 107 and Sacandaga Road.

The Planning Board then entered into a lengthy discussion with Mr. Mantell concerning the number of vantage points along County Highway 107 and Sacandaga Road that should be looked at for the visual analysis.

Mr. Geraghty suggested that he be allowed to use some orthoimagery and walk along County Highway 107 and Sacandaga Road to determine where the best vantage points are for a visual analysis.

Planning Board Member Fran Sikorski indicated that, in the past, the Planning Board has received some feedback concerning the deterioration of the panels over the course of time and the potential dangerous substances that could damage the environment.

Mr. Mantell stated that the panels are completely encapsulated and are not a risk to the environment. He pointed out that there is significant research

that can be obtained from NYSERDA on this subject. He also pointed out that there are very specific guidelines for the eventual disposal of the panels.

Mr. Dimezza asked what the lifetime expectancy of a panel is?

Mr. Mantell stated that it is approximately 20 years and that he would expect the panels on this particular project to be replaced within that timeframe because of technological advances.

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: The Planning Board felt that the Full Environmental Assessment Form had been completed adequately.

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.

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: Fran Sikorski
SECONDED: Mike Dimezza
VOTE: 4 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: After a brief discussion, there was a general consensus among Planning Board members that additional information and feedback should be obtained from other Involved Agencies before the scheduling of a public hearing.

MOTION: To table any further action on SunEast Limestone Solar's Special Permit application for a Solar Farm along Bishop Road.

MADE BY: Fran Sikorski
SECONDED: Ron Cetnar
VOTE: 4 in favor, 0 opposed

V. 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.

(NOTE: Planning Board Member Mike Dimezza indicated that he will not be participating in the review of this application.)

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: Dave Ingalls, P.E. briefly reviewed the proposed configuration of the subdivision. He confirmed that the array will be constructed on Parcel #3 in the subdivision. He also pointed out that all three (3) parcels will have road frontage.

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

STATUS: A 3-line diagram has been submitted.

DISCUSSION: Town Code Enforcement Officer Mark Concilla indicated that he hasn't had time to completely review the 3-line diagram, but will let the Board know if he has any concerns with the drawing.

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: Mr. Ingalls indicated that the detail sheets actually show the mounting systems for the project.

Mr. Dimezza asked how tall the tree plantings for the Landscaping Plan will be?

Mr. Ingalls indicated that the applicant is proposing 8' high trees.

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.

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

STATUS: Provided.

DISCUSSION: Mr. Geraghty asked Mr. Ingalls how many decibels the inverter operates at?

Mr. Ingalls indicated that he believed the inverter operates at about 55 decibels which is only slightly higher than ambient noise levels.

Mr. Geraghty asked Mr. Ingalls how far away from the inverter someone would have to be before they can no longer hear the noise generated by the inverter?

Mr. Ingalls speculated that the distance is approximately 40 or 50 feet.

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

STATUS: ?

DISCUSSION: Mr. Ingalls indicated that the applicants will be leasing the parcel for the Solar Farm facility. He confirmed that the lease will be for the entire acreage of Parcel #3 in the proposed subdivision.

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: Mr. Geraghty pointed out that the Fulton County Planning Board will be reviewing the application the following morning and will likely offer a recommendation concerning the landscaping.

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: Mr. Geraghty indicated that he has spoken to Planning Board Member Tracy Gutowski who lives off of McKay Road. He indicated that Ms. Gutowski stated that she didn't believe the project would be readily visible from McKay Road.

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.

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.

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: Mr. Ingalls indicated that he would look into the feasibility of moving the tie-in location closer to NYS Route 30.

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

STATUS: ?

DISCUSSION: Mr. Ingalls indicated that he would provide an elevation drawing on the detail sheets.

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

STATUS: ?

DISCUSSION: Mr. Ingalls stated that there was a mistake made on the revised Decommissioning Plan. He handed Mr. Geraghty a revised Decommissioning Plan with a present-day decommissioning cost estimate of \$229,915. Factoring in a 2.5% inflation factor over the course of 25 years, the final financial surety amount is identified as \$426,249.56. After

a brief discussion, the Planning Board felt that this number was very reasonable for this sized project.

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

STATUS: ?

DISCUSSION: Mr. Ingalls indicated that he would provide some type of correspondence from National Grid.

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: Mr. Ingalls indicated that he would reach out to the NYSDEC concerning the threatened species.

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: The Planning Board recognized that, given the fact that Mr. Dimezza has abstained from participating in the review of this application, the Board does not have enough members present to vote.

E. Public Hearing:

1. The public hearing was opened at 7:04 P.M.
2. Speakers:

Perth Volunteer Fire Company Chief Peter Watrobski talked briefly about the local Fire Company's need to have access around the perimeter of these types of projects. He stated that, while the Fire Company does not want access inside the fenceline of the solar facility, it would like to be able to maneuver around the perimeter of the fenceline with a brush truck in order to fight any potential brush fires that may impact the facility.

Mr. Ingalls pointed out that there is a 50' area between the fenceline and the property line around the perimeter of the site. He stated that he recently drove along the National Grid right-of-way in order to place flags at the solar array location.

After several more minutes of discussion, Mr. Geraghty asked Chief Watrobski if he felt there could be a simple solution?

Chief Watrobski stated that if an area around the perimeter of the fenceline could be maintained as part of the Maintenance and Operation Plan, then that would help his Fire Company.

Mr. Ingalls indicated that he would be willing to amend the Operation and Maintenance Plan to include maintenance of a 15' strip around the perimeter of the fenceline.

Chief Watrobski indicated that the 15' strip should allow enough access for a brush truck in the event that an emergency took place.

3. The public hearing was closed at 7:10 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: Once again, the Planning Board recognized that it does not have enough members available to take final action on the project. Mr. Geraghty also pointed out that the County Planning Board has not yet reviewed the project under Section 239-m of the General Municipal Law.

VI. OTHER BUSINESS:

A. Chairman's Update:

Mr. Cetnar asked Mr. Sikorski if he would like to be reappointed when his term expires at the end of this year?

Mr. Sikorski indicated that he would like to step aside, but will stay on the Planning Board until a new member is found.

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:24 p.m.

MADE BY: Nichole Surento

SECONDED: Fran Sikorski

VOTE: 4 in favor, 0 opposed