

**TOWN OF PERTH PLANNING BOARD
FEBRUARY 8, 2021
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**
_____ **MARK CONCILLA, CODE ENFORCEMENT OFFICER**

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 January 11, 2021 meeting.

MADE BY:

SECONDED:

VOTE:

III. SUNEAST LIMESTONE SOLAR, LLC – PUBLIC HEARING ON 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. January 11, 2021 Meeting:

During its January 11, 2021 meeting, the Town of Perth Planning Board continued its review of 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 a revised submission prior to this evening's public hearing:

1. Language in the Vegetation Management Plan needed to be amended.

STATUS: Provided.

DISCUSSION:

2. The Planning Board asked that the adjacent residential property owners who have submitted "waiver letters" be shown the Visual Analysis for the project.

STATUS: In its response to the Planning Board, Suneast Limestone Solar indicated that representatives met with landowners on January 26th to show them the visual exhibits.

DISCUSSION:

3. A plan for handling construction traffic will need to be developed. The Planning Board is concerned specifically with the potential access location off of County Highway 107.

STATUS: Details on the driveway access location along County Highway 107 are shown on Drawing 406. The applicants have indicated that it will be tough to provide any further details regarding construction traffic until a contractor has been hired.

DISCUSSION:

4. The term of the proposed Lease Agreement should be clarified.

STATUS: The Lease Agreement is identified as 25 years with up to three (3) consecutive 5-year extensions.

DISCUSSION:

5. The Decommissioning Plan will need to be updated by factoring in a 2.5% escalator for the 25-year lease term.

STATUS: The applicants have asked that the final decommissioning bond estimate be left until the end of the review process.

DISCUSSION:

C. County Planning Board Referral:

In accordance with Section 239-m of the General Municipal Law of New York State, the Fulton County Planning Board reviewed Suneast Limestone Solar's Special Permit application for a Solar Farm along Bishop Road during its January 18, 2021 meeting. At that time, the County Planning Board recognized that the proposed project could have adverse regional implications in terms of visual impacts and recreational resources and recommended that the Town of Perth Planning Board approve Suneast Limestone Solar's Special Permit application only under the following conditions:

1. The applicants must map out a 50' wide corridor through the project site allowing the County's Snowmobile Trail System to stay intact.

STATUS: See attached letter from property owner James Skiff.

DISCUSSION:

2. A 20' wide x 4' high berm should be installed around each of the solar arrays. The berms must be constructed with native topsoil.

STATUS: The applicants have stated several reasons why they do not wish to construct berms as part of the Landscaping Plan including the cost of importing off-site material, the risk of creating drought conditions for the

plantings, a higher risk of wind damage on the elevated berm, the alteration of onsite drainage patterns and the disturbance of NYSDEC wetland buffer areas.

DISCUSSION:

3. The option of planting a wall of arborvitae as opposed to a mix of species should be left to the local Planning Board's discretion.

STATUS: Agreed.

4. The plantings must be at least 10' in height at the time of planting.

STATUS: Agreed.

5. The plantings must be planted in a staggered formation at 10' on center along the berms.

STATUS: Agreed.

6. A mixture of Norway Spruce, White Spruce, White Pine, Nigra Arborvitae and Beeches should be used.

STATUS: The applicants have agreed to utilize the plantings requested by the County Planning Board with the exception of the Nigra Arborvitae. The applicants have indicated that they would prefer to use Green Giant Arborvitae for a variety of reasons.

DISCUSSION:

D. Fulton County Agricultural District No. 1:

In accordance with Section 305-a of Article 25AA of the Agriculture and Markets Law of New York State, a Special Permit 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 include an Agricultural Data Statement. All Agricultural District property owners within 500' of the project site 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 asking that they submit any comments or concerns regarding the proposal, in writing, to the Fulton County Planning Department by Monday, February 8, 2021.

STATUS: To date, the Planning Department has received no comments regarding the application.

DISCUSSION:

E. Public Hearing:

1. The public hearing was opened at ____P.M.

2. Speakers:

3. The public hearing was closed at ____P.M.

F. State Environmental Quality Review:

During its January 11, 2021 meeting, the Town of Perth Planning Board declared itself the Lead Agency for the purpose of issuing a determination of significance under SEQR for this proposed action. Comments from other Involved Agencies were reviewed and a preliminary Visual Analysis that was prepared for the project was discussed.

At that time, Planning Board members decided that they would like additional time to more closely examine the Visual Analysis and an opportunity to hear the public speak during a public hearing before issuing a determination of significance under SEQR.

DISCUSSION:

MOTION:

MADE BY:

SECONDED:

VOTE:

G. Planning Board Action:

In accordance with Article 9 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:

IV. 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.

B. January 11, 2021 Meeting:

During its January 11, 2021 meeting, the Town of Perth Planning Board began reviewing Active Solar's Special Permit application for a Solar Farm along NYS Route 30 on lands owns by Adelbert Pooler. At that time, the Planning Board asked that the following information be provided on a revised submittal prior to scheduling a public hearing:

1. A 1 or 3-line electrical diagrams detailing the Solar Farm layout, solar collector installation, associated components and electrical interconnection methods with all national electric code compliant disconnects and overcurrent devices must be submitted to the Town Code Enforcement Officer.

STATUS: Provided.

2. Documentation of the major system components to be used, including the photovoltaic cells, mounting systems and inverters should be provided.

STATUS: Provided.

DISCUSSION:

3. Information on noise (inverter) and reflectivity glare of solar panels and the potential impacts to adjacent property owners must be provided.

STATUS: Provided. The applicants have noted that the inverters have a noise level less than 65 decibels at 1 meter and that the transformer has a rating of 62 decibels. The applicants note that both the inverter and the transformers will be located approximately 200 feet from any residential property line.

DISCUSSION:

In terms of the Glare Analysis, there are no glare impacts identified for the flight path route for the Fulton County Airport. Likewise, there are no glare impacts for vehicles traveling along NYS Route 30. On the other hand, there are glare impacts for the property owners along the western boundary of the project site, as well as vehicles traveling on McQueen Road. According to the Glare Analysis, these glare impacts will only occur during about half of the year and will not last for a significant period of time each day. Furthermore, the Glare Analysis indicates that the installation of the berms and landscaping for the project will eliminate any of the impacts.

DISCUSSION:

4. The term of the Lease Agreement should be clarified.

STATUS: Active Solar intends to purchase the property from the landowner.

DISCUSSION:

5. The clarification regarding the chainlink fence has been made, changing the height from 7' to 8'.

STATUS:

DISCUSSION:

6. A Visual Analysis of the project must be provided showing views from various locations along NYS Route 30, as well as showing a “reverse visual” from the solar field location towards the backs of residential and commercial buildings along Route 30.

STATUS: Provided.

DISCUSSION:

7. The Planning Board has asked that some consideration be given to moving the inverter location further away from the residences along Route 30 to eliminate any potential noise concerns.

STATUS: The inverters have been moved at least 200' from all residential property lines.

DISCUSSION:

8. Additional landscaping must be provided north of the access driveway in order to provide a buffer for the adjacent residential property.

STATUS: A row of Spartan Junipers has been added along the access driveway.

DISCUSSION:

9. Additional screening should be provided in the southwest corner of the property.

STATUS: Two (2) additional landscaped berms have been added in the southwest corner of the site and a row of Spartan Junipers has been added along the southern property line for approximately 240' of additional screening.

DISCUSSION:

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

STATUS: Provided.

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

STATUS: Provided.

DISCUSSION:

12. A mesh fabric should be provided along the fencing where the tree plantings will be limited because of the wetland location.

STATUS: Privacy slats have been added to 205 linear feet of chain link fencing in the location of the wetlands.

DISCUSSION:

13. The Town of Perth requires that a Decommissioning Plan for the project identify the present-day cost estimate to completely decommission the site and to then multiply that cost by a 2.5% inflation factor for the entire term of the lease.

STATUS: The applicants have identified a present-day cost to completely decommission the site of \$104,570.32. Multiplying that figure by a 2.5% inflation factor for a 35-year period leaves a future decommissioning cost estimate at \$248,166.83.

DISCUSSION:

C. County Planning Board Referral:

In accordance with Section 239-m of the General Municipal Law of New York State, the Fulton County Planning Board reviewed Active Solar's Special Permit application for a Solar Farm Project along NYS Route 30 during its January 18, 2021 meeting. At that time, the County Planning Board felt that the proposed project could potentially have adverse regional impacts from a visual standpoint and recommended that the Special Permit application be approved only under the following conditions:

1. A 20' wide x 4' high berm be constructed along the western and southern boundaries of the site. Native topsoil must be used for the construction of the berm.

STATUS: The applicants have actually agreed to the berm construction.

DISCUSSION:

2. The landscaping should include a mix of Norway Spruce, White Spruce, White Pine and Nigra Arborvitae.

STATUS: The Landscaping Plan has been updated to include several of the species recommended by the County Planning Board except for the arborvitae. The applicants have added Spartan Junipers to the mix of species recommended by the County Planning Board.

DISCUSSION:

3. Plantings should be made at intervals of not more than 10' on center by planting either one (1) consecutive row or two (2) staggered rows so that the plantings maintain the 10' separation.

STATUS: The applicants have agreed to this condition.

4. The plantings all must be at least 8' in height at the time of planting.

STATUS: The applicants have agreed to this condition.

DISCUSSION:

D. State Environmental Quality Review:

During its January 11, 2021 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, February 8, 2021.

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

NYSDEC:

In a letter dated January 20, 2021, 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 the Upland Sand Piper is a threatened species that may be in the project area. NYSDEC has suggested that the New York Natural Heritage Program be contacted regarding this issue.

DISCUSSION:

NYSDOT:

In an e-mail dated February 4, 2021, NYSDOT concurred with the Town of Perth Planning Board's proposal to serve as the Lead Agency. NYSDOT offered a list of six (6) 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 Active Solar's Special Permit application for a Solar Farm Project along NYS Route 30.

MADE BY:

SECONDED:

VOTE:

FURTHER DISCUSSION:

MOTION:

MADE BY:

SECONDED:

VOTE:

H. 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:

MOTION:

MADE BY:

SECONDED:

VOTE:

V. OTHER BUSINESS:

A. Chairman's Update:

(Ron Cetnar, Chairman)

B. ?

VI. CLOSE OF THE MEETING:

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

MADE BY:

SECONDED:

VOTE: