

**TOWN OF PERTH PLANNING BOARD
MARCH 15, 2021
6:00 P.M.
PERTH TOWN HALL**

MEETING NOTES

PRESENT:

**RON CETNAR, CHAIRMAN
FRAN SIKORSKI, VICE CHAIRMAN
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 6:02 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

Minutes did not get distributed.

III. 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. February 8, 2021 Meeting:

During its February 8, 2021 meeting, the Town of Perth Planning Board held a public hearing on Suneast Limestone Solar, LLC's Special Permit application for a Solar Farm Project on lands owned by James Skiff along Bishop Road. Following the public hearing, the Planning Board asked that additional plantings be provided in order to mitigate potential visual impacts associated with the project. Specifically, Suneast Limestone Solar was asked to provide screening along both County Highway 107 and Sacandaga Road in addition to the tree plantings that will be provided around each of the solar arrays on the property.

STATUS: Stantec Engineering has updated the overall Site Plan drawing showing landscaping along County Highway 107 and Sacandaga Road. Stantec has also provided an updated Visual Analysis depicting the additional plantings.

DISCUSSION: Mike Mantell, P.E. reviewed the updated Landscaping Plan with Planning Board members. He pointed out that a mix of evergreens will be provided along the fenceline for each of the solar arrays. He stated that Nigra Arborvitae, as requested by the County Planning Board, has been shown along both County Highway 107 and Sacandaga Road. Mr. Mantell reviewed the updated Visual Analysis that was prepared for the project showing Board members the updated simulations for all five (5) views in the Visual Analysis.

Planning Board Member Mike Dimezza asked if plantings will be provided along all of County Highway 107?

Mr. Mantell stated that the plantings are only being provided on the properties that were included as part of the original project agreement. He explained that no mapping or analysis has been performed on any of the other adjacent parcels, which would make it difficult to add that property to the overall project site at this point in time. He indicated that the property owner, Jim Skiff, will likely plant corn on the one property along County Highway 107, where the Solar Farm will be visible, which will provide some natural screening. He indicated that there is probably about a four (4) to five (5) second timeframe, given traveling speeds on County Highway 107, during which a driver could conceivably see the solar panels.

Planning Board Member Fran Sikorski asked how far off of the road the trees will be planted?

Mr. Mantell indicated that the trees will be approximately 25' off of the road surface.

Mr. Cetnar asked if the trees along 107 will impact site distance at Bishop Road.

Mr. Mantell indicated that there will be enough spacing between Bishop Road and the row of arborvitae to provide plenty of site distance for vehicles exiting Bishop Road.

Mr. Cetnar pointed out that the trees along County Highway 107 and Sacandaga Road should be part of the applicant's original agreement in terms of the lifetime warranty.

Mr. Geraghty stated that he would make sure that the applicants specifically indicate that all of the plantings will be warrantied for life.

Mr. Mantel stated that, given the limited amount of space along County Highway 107 that won't have a row of trees, there will be very little visual impact because it will be a significant distance to the nearest solar panel.

Planning Board Member Nichole Surento indicated that she felt the additional landscaping along County Highway 107 and Sacandaga Road greatly improved the visual appearance of the project.

C. 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. Since that time, the Planning Board has been working with the applicant to see if the potential adverse visual impacts associated with the project can be addressed by expanding the coverage and the number of plantings making up the Landscaping Plan for the project.

DISCUSSION: Mr. Geraghty asked Board members if they felt there were any other issues outside of the potential visual impacts that needed to be discussed as part of the SEQR process?

Board members unanimously agreed that there were no other adverse environmental impacts that could result from the project.

Mr. Dimezza expressed a slight concern with the space along County Highway 107 being left open, but conceded that it is unlikely the view will create an adverse visual impact.

Mr. Skiff indicated that he will be planting corn in that field each year.

Mr. Dimezza stated that, while the corn will provide screening, it is only a seasonal planting. However, Mr. Dimezza also recognized that the nearest panels will be at least 2,000' away from the road.

Mr. Mantell also pointed out that, from that viewpoint along County Highway 107, the land rises in a natural berm which will also limit the view of the solar panels.

Mr. Dimezza pointed out that he was very pleased that the substation for the project will be tucked into the woods so that the residents don't have to see the pole clusters out near the road.

MOTION: Authorizing the filing of a negative declaration under SEQR for SunEast Limestone Solar's Special Permit application for a Solar Farm Project along Bishop Road in the Town of Perth since:

1. The majority of the solar panels will be a significant distance off of adjacent public roads, which will lessen the visual impact of the facility.
2. The applicants are proposing an extensive Landscaping Plan that will eliminate any adverse visual impacts associated with the project.
3. There will be no traffic implications resulting from the proposed action.
4. Public utility infrastructure tie-ins for the Solar Farm will be within the project site and away from public view given the location of National Grid infrastructure in relation to the project site.
5. Wetland areas on the project site are generally being avoided so that there will be minimal impacts to the wetlands and no wildlife will be adversely impacted by changes to the wetlands.
6. Areas designated as prime agricultural soils are being avoided.
7. Rerouting of the countywide snowmobile trail through the project site will alleviate the loss of any recreational resource.

MADE BY: Nichole Surento
SECONDED: Fran Sikorski
VOTE: 6 in favor, 0 opposed

D. 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: Planning Board Member Jeff Green had a question regarding the location of the substation.

Mr. Mantell pointed out on the Site Plan drawings that the substation for the project will be behind a wooded area and will not be visible to the public.

Planning Board Member Tracy Gutowski asked if the Town Zoning Board of Appeals (ZBA) had authorized the variance for the height of the panels?

Mr. Geraghty stated that the ZBA was unable to take any action until the Planning Board concluded the SEQR process.

Mr. Green noted that the area where the substation will be located is fairly wet. He asked if any of the Solar Farm infrastructure will impact the snowmobile trail that passes through the Skiff property?

Jim Skiff talked about the location of the snowmobile trail on his property and noted where the substation will be located.

Mr. Dimezza stated that he would like to make sure that all of the screening for the project, especially along County Highway 107 and Sacandaga Road, is completed before construction begins.

Mr. Geraghty pointed out that the final decommissioning bond estimate for the project will need to be completed and given to the Town Attorney before any local review process is considered complete. Mr. Geraghty also noted that details regarding National Grid's requirements for tying the project into its infrastructure are still forthcoming.

Mr. Mantell stated that it may be another 12-18 months before the review process for this project is completed at the State level.

MOTION: To conditionally approve SunEast Limestone Solar's Special Permit for a Solar Farm along Bishop Road pending:

1. A decision by the Town ZBA regarding the proposed height of the panels.
2. The final Decommissioning Plan and cost estimate being completed for the Town Attorney.
3. Details regarding National Grid's tie-in requirements for infrastructure have been finalized.
4. All plantings are installed along County Highway 107 and Sacandaga Road before any construction begins on the project site.

MADE BY: Michael Dimezza
SECONDED: Nichole Surento
VOTE: 6 in favor, 0 opposed

IV. ACTIVE SOLAR – PUBLIC HEARING ON A 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. February 8, 2021 Meeting:

During its February 8, 2021 meeting, the Town of Perth Planning Board continued 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 piece of information be provided prior to the public hearing:

1. A comparison of the usage of a mesh fabric as opposed to privacy slats in the fencing where the tree plantings will be limited because of the wetland location.

STATUS: Provided.

DISCUSSION: Scott Price, P.E., MJ Engineering, outlined the four (4) options that the applicants have looked at for providing screening on the fencing. He pointed out that one (1) of the mesh fabrics will need to be replaced nine (9) times during the life of the Solar Farm, while the other type of mesh fabric will only need to be replaced four (4) times. He indicated that the option using slats will need replacement approximately three (3) times. Mr. Price stated that the applicants prefer to use the 600 series wind screen that will provide 89% visual blockage.

Planning Board Chairman Ron Cetnar asked how high the fence will be?

Mr. Price indicated that an 8' fence will be provided around the facility.

Nichole Surento indicated that she felt the 600 series wind screen was a good selection.

Mr. Dimezza asked how often the mesh fabric on the fence will be inspected for replacement purposes?

Frank McCleneghen, Active Solar, stated that the site is walked approximately four (4) times each year.

Mr. Geraghty stated that the Operation and Maintenance Plan will need to contain language that indicates the mesh fabric will be replaced when needed.

Mr. Dimezza stated that he would rather see the Operation and Maintenance Plan specifically state that the mesh fabric is replaced every five (5) years.

Nichole Surento asked for a clarification on where the mesh fabric will be installed on the fenceline?

Mr. Price showed Board members on the Site Plan drawing the extent of mesh fabric that will be used on the fenceline which amounted to approximately 200'.

C. Public Hearing:

1. The public hearing was opened at 6:31 p.m.

2. Speakers:

There was no one to speak regarding Active Solar's Special Permit application for a Solar Farm along NYS Route 30.

3. The public hearing was closed at 6:32 p.m.

D. 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.

MOTION: To approve Active Solar's Special Permit application for a Solar Farm along NYS Route 30 with the following stipulations:

1. The Operation and Maintenance Plan indicates that mesh fabric on the fencing will be replaced every five (5) years.
2. All of the plantings for the Landscaping Plan are installed prior to the beginning of any construction on the site with the exception of those areas where access to the project site is necessary.

MADE BY: Michael Dimezza
SECONDED: Ron Cetnar
VOTE: 6 in favor, 0 opposed

V. OTHER BUSINESS:

A. Chairman's Update:

Mr. Cetnar indicated that he attended the ZBA meetings last week for the Borrego Solar Project on County Highway 132, as well as the SunEast Limestone Solar Project on Bishop Road. He indicated that the ZBA is waiting for the Planning Board to complete the SEQR process so that it can issue its final decision on those variance applications.

Nichole Surento asked if there are any other training opportunities available for Planning Board members?

Both Mr. Cetnar and Mr. Geraghty talked about some of the online opportunities that are available.

- B. Mr. Geraghty stated that, earlier in the day, he had a conversation with Fulton County IDA Executive Director James Mraz concerning future plans for an expansion project by Vireo Health in the Tryon Technology Park. Mr. Geraghty stated that he was informed by Mr. Mraz that, if New York State passes legislation legalizing marijuana, then all of the current licensees in New York State have already been asked about their expansion plans. He explained that Vireo Health has already been asked to submit plans to the New York State Department of Health regarding its future plans if the legislation passes. Mr. Geraghty speculated that, depending on the passage of the marijuana legislation, the Planning Board may see a Site Plan application for a large expansion project at the Vireo Health facility.

VI. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:44 p.m.

MADE BY: Nichole Surento
SECONDED: Tracy Gutowski
VOTE: 6 in favor, 0 opposed