

## Planning Board Meeting Minutes

January 5, 2022 at 7:00pm via Zoom

Present: Nancy Weber, Chairwoman  
Allison Trudell, Counselor  
Bonnie Loforte, Counselor  
Gary Toth, Counselor  
Ron Marsden, Code Enforcement Officer  
Graham Seiter, Town Attorney

Absent:

And 7 in the audience.

Chairwoman Weber opened the meeting with the Pledge of Allegiance at 7:03pm.

A motion was made by Toth and seconded by Loforte to approve the December 2021 meeting minutes. The motion was adopted by a vote of 4 ayes: Weber, Loforte, Toth, Trudell, and 0 nays.

### Old Business

#### **Vazquez Site Plan Review Application**

Chairwoman Weber described the location of the potential ice cream stand and Marsden confirmed that it is located within the C1 district. Vazquez explained that the animal/dog/kid areas are pending at this time but would all be enclosed with chain link type fencing; the patio area would be used for eating ice cream and possible entertainment; the business would be seasonal from April to November but could be open longer; they will also have a storefront for crafts and could possibly sell Christmas trees, coffee and hot cocoa during winter months. Vazquez said they plan to offer a family friendly atmosphere.

Chairwoman Weber asked about the hours of operation. Vazquez said 11:00am to 10:00pm, 7 days per week during their open season. The size and aesthetic of the building was discussed. Vazquez said they plan to have wood siding with a metal roof and awning over the patio, three typical entry doors, two slider windows, one accessible bathroom 7'x4"x7'4".

Vazquez said the land is currently undeveloped. Chairwoman Weber asked about permits to serve food. Vazquez said they are in the process of applying for those permits. Toth asked if Vazquez had considered the size of the building appropriate enough as the business expands. Vazquez said she plans to only work 6 months a year and that this is a retirement job for her; the current building size will suffice. Chairwoman Weber reminded Vazquez that you cannot change the site plan once it is approved and said that they can always build smaller than what is on the plan but that they cannot build bigger. Vazquez said she would like the building size to be 24'x56'.

Vazquez described the dog area as a place for people's pets while they visit the establishment but was uncertain if this would be allowed according to their insurance company. Loforte asked where the dog area is located. Vazquez said the dog area isn't included on the newer map but that it's where "1.1478 acres" is written. Vazquez said that her business consultant said parking is the biggest issue, who felt that using the existing driveway as the entryway will be appropriate and the size of the parking area is adequate. Toth asked when they planned to open for business. Vazquez said she would like to be up and running by April 18<sup>th</sup>, 2022.

A motion was made by Toth and seconded by Loforte to approve the Vazquez site plan as presented but with a 24'x56' building. The motion was adopted by a vote of 4 ayes: Weber, Loforte, Toth, Trudell, and 0 nays.

Vazquez said the name of the business will be Get Twisted, Feel Better.

### **Race- Quarry Use Variance**

Chairwoman Weber summarized that the application for a mining operation on St. Rt. 3 on the banks of the Little Salmon River has not yet been deemed complete by the ZBA.

### **RIC Solar- Use Variance Application**

Chairwoman Weber introduced the RIC Solar use variance application, expressing that the board wants the project to be successful but that it is their responsibility to protect prized farmland and water resources.

An RIC representative gave a brief overview of the solar project at 124 Co Rt 58 as a 5 megawatt solar project that would provide enough electricity to power about 2500 homes. He said the energy will interconnect with existing National Grid infrastructure along Co Rt 58 and flow into the local distribution grid. He said the original application was submitted in April of 2021, then a variance application for interpretation with the zoning board of appeals and a variance application due to the lot coverage issue.

Weber said the Planning Board elected to have experts at Oswego County Soil and Water Conservation look at maps, hydrology, pitch, surrounding areas, drainage, etc. Weber said soil and water had a chance to review the project and she emailed a copy of the initial report. Mr. Chairvolotti from soil and water gave a review of the site as it exists today noting several points:

- 1 run past division with permits via DEC; full environmental assessment form; doesn't look as though any wetlands are on the property;
- 2 drainage ditch (all by maps and arial photos); recommend avoiding filling in drainage ditch; project area goes over it but shouldn't disturb it
- 3 pond located on property; difficult to tell from map where it drains; there will be a flood zone or overflow;
- 4 our office and natural resource conservation office have drainage work
- 5 soils in that area good for agricultural; information can be found in the soil survey
- 6 Storm water regulations- more than one acre exposed requires storm water permit; same communication with aforementioned permits office

RIC Solar representatives responded to each point:

- 1 They have been in consultation with Seven Wetlands; 3 wetlands identified on the project property, the majority of which they are avoiding, consulted with 7 and issued a letter, can re-send it, they have no jurisdiction, army core of engineers no jurisdiction letter; don't consider solar fields to have negative impact, conservation area contains some of the wetland area; nothing the federal or state levels listed regarding endangered species; those consultations are completed, no species have been flagged
- 2 The existing pond on the property; a topographic survey in the site plan shows a gentle slope. The building site is downstream of the pond and the project does not require any fill, so the existing flow pattern will remain intact. Weber said this information is needed by the board, if possible. An RIC representative said he will forward the report to the board via email.
- 3 This was addressed above and Weber asked for any maps to be included in the report.
- 4 Weber explained drainage tiles and their importance to the project. An RIC representative said no evidence of drain tiles has been observed; they completed the environmental phase 1 and there was no indication of drain tiles. No evidence of any tile drainage tying into the drainage ditch has been observed. Weber may ask questions in the neighborhood to see if anyone knows about existing drain tiles.
- 5 Wet soil survey. Shared a copy. Same wet soil survey for swift. Farmland classification- satisfactory for farming. Prime farmland makes up about 20% of the property. Seems like a massive undertaking but the soil will not be largely disturbed. The racking is removed after 30 years, during which time the farmland get the opportunity to rest and will be as in as good shape, or better, after resting. Weber asked if the top soil will be removed and stored then put back. An RIC representative said the area where panels are going in are held to NYSERDA guidelines and they are required to strip and store topsoil and spread it back over following the completion of construction. The RIC project engineer said the only grading to occur is related to putting in the driveway, and that the stripping of topsoil is only required if major grading is required. Weber asked about the poles for the framing. The RIC project engineer said piles are driven into the ground and that topsoil is removed for trenching for the wires/cables. Weber asked about the depth of the trenching. The RIC project engineer said that will be included with final detail of electrical plan. Can be around 5 feet deep. Weber said any drain tiles would be found if the trench depth is 5 feet.
- 6 Weber said storm water is a concern if topsoil is removed. And RIC representative said storm water would be a bigger concern if the entire area is stripped of top soil or if the project is done in certain weather conditions and vegetation is removed. SWIFT has control measures if more than one acre has topsoil removed. Mr. Chairvolotti from soil and water expressed contentment that the issue is being investigated. Weber asked how the determination of one acre is made, whether the sum is cumulative or continuous. An RIC

representative said it depends on the project area but that they're classifying the disturbance area as everything inside the fence lines.

Chairwoman Weber opened the discussion to the board and encouraged them to ask questions of the experts. Seiter asked RIC to explain the stages of ownership of the project/property. An RIC representative said an application is submitted by and owned by Mexico PPLLC for the life of project and that they have no intentions of selling the project at this time; any local requirements placed on the project will be valid for the project's life but that they may partner with an investor who will own stake.

Seiter asked if that may pertain to dissolution or the project ending. An RIC representative said yes; the cost estimate and bond insure there will be funds to decommission regardless of whoever owns the company. Seiter asked if the current property owners are leasing the property. An RIC representative said yes but that they intend to purchase the property before they proceed with construction but after the permit is granted.

Seiter asked who maintains the grounds of the project site. An RIC representative said that maintenance activities are usually completed one or two times per year according to the maintenance schedule by the manufacturer's equipment recommendations; onsite testing, vegetation maintenance, landscaping, mowing, etc. are maintained to ensure health of the trees and grasses planted as part of the project.

Seiter asked about the buffer between the road and project. An RIC representative said the setback distance will be the panel to road required distance and any landscape plantings will be in between.

Toth explained to the board that any change in ownership has to be approved first; the IDA would have to approve it before the PILOT could continue. Toth reassured the board that there are checks and balances in place. Toth explained that the industry standard has changed and NYSEERDA has updated its policies within the last five years, adding that anything less than a 5-megawatt project is cost prohibitive.

Weber asked if RIC has an interconnect agreement with National Grid. The RIC project engineer said that they have already paid the 25% deposit and can share proof of this payment. Trudell asked how the decommissioning bond is determined. An RIC representative said that an estimate for the cost of all onsite utilities, uprooting the driveway, fencing, etc. is appraised then the figure is adjusted for inflation.

Toth asked if an escalator is built into the cost estimate. An RIC representative said that an escalator is built into the cost estimate and for the bond as well. Seiter asked if the project planned use of any batteries. An RIC representative said there is no plan for a battery at this time.

Weber asked if consideration has been given to the conservation project. An RIC representative said that they are waiting to get closer to permit approval before beginning that process but that there could be a deed restriction on that portion of the property to keep it forever wild, which would require an agreement with the town, or it could be donated to a local conservancy.

Toth asked how the solar project benefits local residents. An RIC representative said the Community Choice Agreement is a contract with the local municipality to sign up for electricity generated at the project site, which includes a 10% savings on their energy bill. The RIC project

engineer said that Community Solar projects are available and the choice agreement is just one option for consumers to take advantage of to offset their energy consumption; they plan to reach out to residents to sign up if they're willing to but there is no obligation.

Seiter asked when sign-up takes place. The RIC project engineer said generally around the same time construction starts and is finalized before construction is completed. Weber asked if Mexico residents get preference. The RIC project engineer said that they could proactively offer the program.

Weber expressed interest in doing a site visit in order to get a feel for the project site plan. Weber also suggested tabling the matter in order to give the board time to review information from tonight's meeting, the update from soil and water, and the information that RIC is going to send.

The RIC project engineer asked for an approximate timeline for review and approval because the deposit made for the interconnection triggers new milestones that they're tracking against the rest of the deposit, which is a significant amount due; the Public Service Commission starts pressing and planning for a PILOT needs to begin. Seiter said that, pending receipt of information from RIC discussed at tonight's meeting and visiting the site plan, the board could plan on making a decision at the next monthly meeting and confirmed with Mr. Waterbury that a public hearing target date for March should work.

## New Business

## Training Update

The deputy town clerk asked board member to check their emails regarding a request for information from the Planning Federation as well as information regarding a training opportunity through Tug Hill at the Turning Stone Casino on April 19<sup>th</sup>. The date for the local SEQR training that is now virtual will be January 26<sup>th</sup> at 11:00am; information on meeting invite to follow.

The next Planning Board meeting is Monday, February 7<sup>th</sup>, 2022 at 7:00 pm at McAuslan Hall.

Loforte reminded the board that, under Open Meetings Law, a field trip to the proposed RIC Solar site should be publicized with notes taken.

A motion was made by Loforte and seconded by Toth to adjourn at 9:09 pm. The motion was adopted by a vote of 4 ayes: Weber, Loforte, Toth, Trudell, and 0 nays.

Respectfully submitted,

Nicole Wild  
Deputy Town Clerk