

Planning Board Meeting Minutes

February 7, 2022 at 7:00pm, McAuslan Hall

Present: Nancy Weber, Chairwoman
Allison Trudell, Counselor
Bonnie Loforte, Counselor
Gary Toth, Counselor (phone)
Graham Seiter, Town Attorney
Ned Waterbury, Chairman to the ZBA

Absent: Ron Marsden, Code Enforcement Officer

And 7 in the audience.

Chairwoman Weber opened the meeting with the Pledge of Allegiance at 7:00pm.

A motion was made by Loforte and seconded by Trudell to approve the January 2022 meeting minutes. The motion was adopted by a vote of 3 ayes: Weber, Loforte, Trudell, and 0 nays.

Old Business

RIC Solar Application

Chairwoman Weber introduced the RIC members present: Chris Chapman, Kevin Bliss. Weber recapped the site visit from January 27th noting attendees. Trudell noted that the visit was a good use of time and allowed the board members to see where the tree line and swale are located. Trudell said that logistics questions were answered. Weber said the snow prevented a walk of the entire property. Weber said the visit was well worth the time and helped the board understand proximity to neighbors and make sense of the drawings and photographs. Trudell said it was helpful to have Oswego County Soil & Water present. Weber said Mr. Bliss addressed some of the questions that came up in the visit.

Weber said she received the summary of information regarding noise levels of the project from Nancy at RIC during construction and operation. Weber said the trees being planted are estimated to grow 8"/year and will be 8' tall at planting. Weber said pollinator-friendly plants will be installed with the pine trees. Weber said the response to a berm was that RIC prefers not to use them because they affect the site drainage and prefer a vegetative screen instead. Weber said this will be revisited as a concern for the rear of the site. Weber said the pond overflow uses the swale in order to get to the road but if the posts in the ground change the water action from snowmelt or heavy rain, it could change how the water drains to the swale. Weber said the stream that borders the property is a DEC class C stream defined as

best use of fishing and noted that neighbors could raise concerns. Weber said a concern was raised about fabric being added to fencing in order to make it more visible and said that a 7' fence may not be tall enough along the edge of the property if we have ample drifting snow. Weber said the report said fabric can be added. Weber said the conservation area will not be fenced.

Weber said RIC would like to discuss the conservation area as a land trust. Weber said the Tug Hill Commission manages land trusts for Oswego County. Weber it could take years but they will do professional forest management on the property. Weber invited questions and answers between the board and RIC representatives. Seiter asked RIC if the project could be done without the variance. Bliss said it could be but the 5-megawatt size is most compatible for incentives for consumers and producers. The variance not granted would cut the project from 5 megawatts to 2, which makes the project cost prohibitive. Bliss said the lot is ideal because of size and location so wetlands were avoided in favor of farm land. Bliss said the language most towns use regarding code, comes from NYCERTA municipal draft for zoning, and the NYCERTA guideline references drainage effected by installations on the property. Bliss said the interpretation of the guideline as all space inside fenced-in area creates the issue of the variance.

Weber said the energy systems law was drafted at a time when solar farms were young and the recommendations from the state at the time was 20%, which was adopted by the town as a reasonable caveat and the variance requested here doubles the size. Weber said the permit and site plan are more in-depth than the variance will be. Toth said the permit doesn't need to be discussed if the variance isn't granted. Seiter agreed that the variance is more pressing than the permit. Weber said if the site is not appropriate, the permit is moot. Weber said the ZBA has visited both issues simultaneously. Toth said the variance is the key. Toth said the law was written at a time when solar farms were smaller but technology has made small farms cost-prohibitive and that most solar farms are 5kw now. Weber said the board makes the decision but the board is interested in hearing what the public has to say. Seiter said the board has enough to make a decision on a site plan but the board needs to decide if they need any more information before passing it along to the ZBA. Seiter said he has no more questions.

Weber asked about the interconnect, which goes into another property across the road and is not a part of the details of the site plan. Chris said there is a note from the interconnection detail sheet (page C-202) and pointed out the map. Weber wants to know the detail of any right-of-way for the interconnect on the other property. Bliss showed the board a map and explained existing poles along the driveway that bring an overhead line in and that the interconnect will use the existing poles and that National Grid completes that portion of the project. Weber is concerned that another land-owner is involved. Bliss said National Grid has the right-of-way. Seiter said that National Grid has control over the interconnection part of the project. Toth said National Grid will do an interconnect report after they've done their research and bring the plan to RIC to manifest the interconnect portion of the project.

Weber asked the board if they are prepared to approve the site plan or have any recommendations for the ZBA. Loforte said the DEC already sent a letter saying they have no concerns. Bliss said they indicated no jurisdiction relating to wetland or waterway. Bliss said recently the DEC communicated regarding removal of a culvert/swale but it was in error and

the culvert will not be removed. Toth said the posts should not be any impediment to any drainage coming through the swale.

Weber asked if the addendums communicated via email are attached to the application. Seiter said there are conditions that can be added to any permits issued and reminded the board that conditions can be added tonight before the site plan is approved. Bliss said anything RIC has submitted in answering questions is considered part of their submission as their application. Toth said the ZBA has clarified some of the information in the SEQR and regarding permits and conditions. Seiter said the conditions don't become part of the permit unless the ZBA deems it so and that RIC is saying communications will be honored. Weber said the concern of noise came up and that Nancy's letter reassured the board of volume. Weber said the local law states that any complaints need to be resolved and if it is not, the permit can be revoked; there exists a mediation process to remedy future potential complaints or concerns.

Toth said that Scriba has a pollinator clause. Weber said the board should look at Scriba's language. Toth will send the info to Waterbury and Seiter as well as Weber. Seiter asked if the access road would have a fence. Bliss said the entire perimeter will be fenced with a locked gate at the roadway and can allow the fire department to have a key. Weber said section 303 in the local energy systems law contains information regarding complaints. Weber asked that off-road parking is provided for construction workers due to safety concerns. Bliss said there will be an off-road designated parking area. Seiter commends both boards for their thoroughness in examining the proposed project. Weber thanks the Oswego County Soil & Water commission for their work on the project.

The board lists concerns that they would like attached to the permit:

- Plan must include a way to visually enhance the fence in order to make it safer for passing snowmobiles.
- Plan must include plants installed for pollinators throughout the site.
- Plan must include a knock box to allow for local fire department access.
- RIC must create a designated off-road parking area for construction vehicles.

A motion was made by Toth and seconded by Loforte to approve the RIC Solar site plan and variance with the following conditions: the plan must include a way to visually enhance the fence at the North and East sides of the site in order to make it safer for passing snowmobiles; the plan must include plants installed for pollinators throughout the site; the plan must include a knock box to allow for local fire department access; and RIC must create a designated off-road parking area for construction vehicles. The vote was adopted by a vote of 3 ayes; Weber, Loforte, and Trudell, and 0 nays.

Weber said the board will notify the ZBA via memorandum. Seiter will obtain the pollinator language from Scriba and share with Weber and Bliss. Bliss thanked the board for their time and care. Bliss said Ivo handles the interconnection and will pass along the board's concerns. RIC members left.

New Business

Training Update

Weber reminded the board that the Tug Hill Commission at Turning Stone training registration is due today. Weber asked member to please remit a copy of your SEQR training to the Town Clerk. Dishaw thanked the board for their cooperation and time over the last 20 years. The board congratulated Dishaw on her retirement and thanked Dishaw for her time and knowledge.

Weber said the Planning and ZBA chairpersons are going to remind the Town Board of their promise of payment for a full day of training at Tug Hill.

The next Planning Board meeting is Monday, March 7th, 2022 at 7:00 pm at McAuslan Hall.

A motion was made by Trudell and seconded by Loforte to adjourn at 8:41 pm. The motion was adopted by a vote of 3 ayes: Weber, Loforte, Trudell, and 0 nays.

Respectfully submitted,

Nicole Wild
Deputy Town Clerk