

**Mexico Zoning Board of Appeals
Minutes of the Regular Meeting
Held February 21, 2022 at McAuslan Hall
Commencing at 7:00 P.M.**

Present: Ned Waterbury, Chairman
Marcia DeLong, Counselor
Dan Yawman, Counselor
Graham Seiter, Town Attorney
Nancy Weber, Planning Board Chairwoman
Joe Chairvolotti, Oswego County Soil & Water
Kevin Bliss, RIC Representative
Nancy Vlahos, RIC Representative

Absent: Ron Marsden, Code Enforcement Officer
Marty Trey, Counselor

And 5 in the audience.

Chairman Waterbury called the meeting to order with the Pledge of Allegiance at 7:42pm.

A motion was made by DeLong and seconded by Yawman to approve the minutes of the regular ZBA Jan 17th, 2022 meeting minutes. The motion was adopted by a vote of 3 ayes: Waterbury, DeLong, and Yawman, and 0 nays.

Old Business

RIC Solar

DeLong read a prepared statement regarding use variance and area variance as it relates to this application. DeLong would like the board to consider that the variance is actually an area variance and not a use variance. DeLong said this change would not affect the site plan review already completed by the Planning Board. Yawman and Waterbury confirmed that the application on file is for an area variance. Waterbury asked the board to review section 320 of the local law as it relates to area variance. Waterbury reminded the board they have up to 62 days to make a determination. Waterbury suggested planning a workshop meeting to work through the application before making a final determination.

DeLong asked for a frame of reference for what 5 megawatts means. Toth (Planning Board Councilor) referenced Nine Mile's electricity output. Yawman asked if the land the solar farm is going on is considered prime farmland according to soil composition. Bliss said they can look it up but that yes, he believes some percentage is prime farmland. Yawman asked if that's the portion that will go under the solar farm. Chairvolotti said there is some percentage of prime farmland on the property. Yawman said the town law says that in 2017, the town decided that solar farms are limited to lot coverage and read a section of the law regarding lot coverage and conversion of productive farmland to grid supply facilities. Yawman said the law says that the preservation of farmland was important to the town of Mexico at the time the law

was written and deserves major consideration. Yawman said the law is very specific regarding area variances and the conversion of farmland. DeLong said this is a very valid point to consider.

Yawman asked for clarification about noise disturbance. Bliss said the panels do not make noise but the inverters that convert electricity will be about as loud as two people having a conversation, per inverter. Bliss said it equates to 11 two-person conversations in a 28-acre field, which is the high end of the estimate. DeLong asked about transformers making noise. DeLong noted that page 15 of the local law describes noise as related to wind farms. Bliss said transformers make noise but less noise than inverters. Toth (Planning Board Councilor) said excessive noise usually comes from a transformer or inverter only if there is a problem that needs to be corrected.

Waterbury asked about stray voltage. DeLong said the local law has a section relating to remedying any problems and RIC has parameters to test and fix stray voltage. Waterbury asks if stray voltage poses a risk to the public. Bliss said a management report on that topic exists but he is unaware of the details. Bliss said the building permit codes address stray voltage. DeLong referred to section 502.10 of the local law. Waterbury clarified that RIC would be the ones to determine if stray voltage exists. Bliss said he would need to consult RIC in order to relay their procedure for stray voltage back to the board. DeLong asks for that information.

Waterbury said the company would like the town to consider keeping the wooded portion of the property forever wild. Waterbury said there is a financial benefit to residents who participate in the energy program, which is about 10% on electric bill. Waterbury asked if it's 10% overall savings or just on the usage portion of the bill. Bliss said he is unsure but can find out. Waterbury said other communities have negotiated additional items to offset the variance, for example, a contribution to improve infrastructure in the community.

DeLong said Oswego County Planning mentioned a principal aquifer and would like to follow up with them but they did not make a recommendation. DeLong said that 301-303 article 9, 502, 504, 505, all need to be complied with. DeLong urged the board to re-read section 505. DeLong and Yawman asked for clarification on maintenance. Bliss said 4-5 trips in and out per year- at least 2 for mowing and at least 2 for inspections and maintenance and said that there is a maintenance schedule. DeLong asked how often transformers are inspected. Bliss said inspections occur 1-2 times per year but the facility is monitored continuously so any problems would be indicated and someone would be sent out to fix any problem. Bliss said that degrading parts would be replaced as needed before they stop working. DeLong said 501.2, 502.16 are construction schedules and the planning board asked for off-road parking as part of the permit conditions. DeLong said the local law is specific on hours of operation 7am-7pm Monday through Friday during construction time.

DeLong asked why the Northwest corner does not have trees planted. Bliss said that portion of the visual screen is most likely for the house next door, which would not need further screening based on the line of sight. Waterbury said the application discusses a fence of 7' high but section 505 says the fence needs to be 8.5' high. DeLong said signage is not indicated in the application. DeLong said section 502.8 discusses signage and that no signs are allowed other than as allowed through the special use permit. Waterbury asked if solar panels that track the sun, or similar new technology, could be used to allow for a smaller solar field

area. Bliss said that they are already doing that with their equipment; yes, they are more efficient but they are bigger and require more space.

Waterbury asked about footage of height requirement at maximum tilt. Vlahos said maximum height is between 10-12 feet. Bliss said the access road at the South side stops in order to avoid the stream and that ATVs can be used to traverse the property. DeLong asked if two structures are slated for the property. Vlahos said they are concrete pads for the transformers. DeLong said there is no lighting. DeLong asked about the planning board's recommendation of making the fence more visible and wants it included on the maintenance list for upkeep. DeLong said Trey had expressed toxic chemicals and herbicides should not be used. DeLong asked if there is an emergency shutdown procedure in addition to the Knox box. Bliss said he will find out and get back to the board.

DeLong would like to suggest the Town Board become involved regarding a possible PILOT. DeLong said the board should take measures to ensure conditions to the permits be followed if ownership changes hands. Seiter said new owners should go through the code enforcement officer. Bliss said the plan is to purchase the property if the permit is granted. DeLong said the maintenance is vague. DeLong clarified there is no plan for batteries but it would need separate approval in the future. Waterbury referred to section 202.4 regarding transfer of property to a new owner and said that the ZBA has to approve transfer of owner of a large-scale solar farm. Seiter said the law is clear and the process should be straight forward.

Yawman is concerned about the size of the variance requested and understands the cost-effective project is 5kw. DeLong is also concerned and wants to know what RIC's absolute minimum project size is. Yawman said minimum is 10 acres so smaller facilities must exist. Waterbury urges the board to find an objective article explaining industry standards for size of solar farms. Waterbury said they need to understand the compelling research to show the need for 5-megawatt facility. Yawman said this would help the board establish the minimum variance allowable. Seiter said other municipalities are seeing a push for 5-megawatt farms as well. DeLong asks if Tug Hill would have someone who could speak with the board. Yawman said it would be appropriate for someone who is not the applicant to provide this information.

Waterbury said that an RIC representative had said the access at most substations was already spoken for and that Colosse was unique as having some capacity available. Waterbury said the line of thinking was, you could have one large facility or, perhaps, two small ones in the same vicinity. DeLong said two different parcels could help preserve farmland. DeLong would like to set up the workshop and be prepared to make a decision at the next regular meeting.

A motion was made by DeLong and seconded by Yawman to table the discussion in order to conduct a workshop and contact a professional from Tug Hill to answer questions regarding power. The motion was adopted by a vote of 3 ayes: Waterbury, DeLong, and Yawman, and 0 nays.

The board set a tentative workshop date for March 8, 2:00pm at McAuslan Hall. Seiter will submit public notice to newspaper. Waterbury asked for clarification of majority is 3 of five-member board. DeLong said she will look at voting requirements. DeLong said majority plus one can outweigh a county decision.

Sawmill Moratorium

Waterbury said the town voted to pass the temporary sawmill moratorium and would like the planning and zoning boards to come together to work on this project. Waterbury said the March 7th Planning Board meeting would like to invite the ZBA to discuss the issue. Seiter said he is in the process of drafting a proposed local law for both boards to review and refine. Seiter said feedback is welcome before the meeting. The board agrees to attend and Waterbury will inform Trey.

Other Business

Tug Hill training registration has been submitted.

Waterbury announced Liz Dishaw's retirement from the position of Town Clerk, recognized her achievement of 20 years of service, and expressed sincere appreciation and gratitude for her dedication to her community.

Vlahos asked to clarify that there are no prime farm soils on the development area of the project site. Waterbury asked for the soil analysis location in the application packet. Vlahos thanked the board for the care and time and asked for a list of items and questions from tonight's meeting.

DeLong asked Oswego County to clarify that there is no prime farm soil as the lot stands right now. Chairvolotti said that is correct.

A motion was made by Waterbury and seconded by Yawman to adjourn at 9:22pm. The motion as adopted by a vote of three ayes: Waterbury, DeLong, and Yawman, and 0 nays.

Respectfully submitted,

Nicole Wild
Deputy Town Clerk